

**SCANNED****19 CV 458**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CORY REID, Plaintiff

-against-

CITY OF NEW YORK, et al  
Defendants

RECEIVED  
CIVIL RIGHTS COMPLAINT PURSUANT  
TO BIVENS AND TITLES 28 USCS 1383  
1981(A)(C), 1983, 1985(3), 1986  
1988. Also 28 USCS 1367(A).  
Authorized by TITLES 28 USCS  
1331 andf 1343(A)(1)(2)(3)(4).

\*JURY TRIAL DEMANDED(7th Amd)

Parties to this Complaint.

Plaintiff : CORY REID was a criminal defendant in two separate criminal actions(2017NY050276)-(4445-2017)that took place in the County of New York, sufficient for Jurisdiction and Venue Pursuant to TITLES 28 USCS 1391 B2. The plaintiff now resides at 240 Madison Street, #2 D, NY, NY, 10002.

Defendants.

1. CITY OF NEW YORK, Corporation Counsel, 100 Church Street, New York, New York, 10007. 24th Floor.

NYPD Arresting officers from TD 4.

2. DAVID SIMON, 3. SERGEANT FRAZIER, 4. JANE DOE, 5. JOHN DOE, who is currently employed at Transit District Four Police Station located at 14th Street and Union Square, NY, NY,

6. M.D's at Bellvue Hospital Emergency Room.

6. CHEYENNE SNAVELY, 7. JOSEPH HABBOUSHE, who are both currently employed at 462 First Avenue, Kips Bay, NY, Bellvue Hospital

NYPD Transporting Officers from TD 4.

8. OFFICER GHEGAN, 9. OFFICER PHOENIX, who is currently employed at Transit Bureau Four Police Station located at 14th Street, Union Square, NY, NY,

Arraignment on Docket Number 2017NY050276 in APAR 1.

10. JUDGE DARKEH who is currently employed at 100 Centre Street, NY, NY, 10013, APAR 1.

11. ADA JOHN DOE, he got assigned on 9-25-2017 to prosecute the first Arrest Prosecution, who is currently employed at One Hogan Place, NY, NY, 10013.

Defense Attorney before CPL 170.20.

12. YOSHA GUNASEKERA who is currently employed at the Legal Aid Society located at 49 Thomas Street, NY, NY, 10013.

Part C Prosecution on Docket Number 2017NY050276.

13. JUDGE HERBERT MOSES, he was the presiding Justice for the first Arrest charges who is currently employed at 100 Centre Street, NY, NY, 10013. Part C.

YOSHA GUNASEKERA's SUPERVISOR.

14. YOSHA GUNASEKERA's SUPERVISOR is currently employed at the Legal Aid Society located at 49 Thomas Street, NY, NY, 10013.

Second Arrest Prosecution on #4445-2017 in Part 71.

15. JUDGE LAURA.A.WARD, she presided over the second arrest charges first. She is currently employed at 100 Centre Street, NY, NY, 10013. Part 71.

16. ADA NICHOLAS BARNES, he prosecuted the second Arrest Charges with Ann Scherzer as well, and he is currently employed at One Hogan Place, NY, NY, 10013.

Clerks At Appellate Division, First Department.

17. MARGARET SOWAH, Deputy Clerk, 18. SUSANNA MOLINA ROJAS, Clerk of Court, 19. A.ORTIZ, they are all currently employed at 27 Madison Avenue, NY, NY, 10010.

Inspector General for the UCS.

20. SHERILL SPATZ, who is currently employed at 25 Beaver Street, NY, NY, 10007.

2241 Habeas Corpus Petition.

21. DISTRICT JUDGE ANN.M.DONNELLY(18-cv-4066AMD)who is currently employed at 225 Cadman Plaza East, Brooklyn NY, 11201.
22. CYRUS. R. VANCE JR, he is the District Attorney for the County of New York, and is currently employed at One Hogan Place, NY, NY, 10013.
23. MARTIN BOWE, Assistant Corporation Counsel, who is currently employed at the Law Department located 100 Church Street, NY, NY, 10007. Room 2194.
24. JOHNATHAN PINE, General Litigations Division, who is currently employed at the Law department located at 100 Church Street, NY NY, 10007.

Second Arrest Prosecution on #4445-2017 in Tap A.

25. ANN SCHERZER, she was the second Trial Judge for the second Arrest Prosecution, who is currently employed at 100 Centre Street NY, NY, 10013. Tap A.
26. CLERK OF COURT PART TAP A, who is currently employed at 100 Centre Street, NY, NY, 10013. Tap A.
27. KENDRA THIMBREL, she was the stenographer in Tap A on 10-11-2018, who is currently employed at

Defense Attorney after CPL 170.20.

28. MICHAEL JACCARINO, who is employed at 546 Fifth Avenue, NY, NY, 10036.

Second Defense Attorney after CPL 170.20.

29. ADAM SILVERSTIEN, who is currently employed at 185 Whyte Avenue, Suite A, Brooklyn NY, 11249.

Second ADA for #4445-2017.

30. ADA JOHN DOE FOR #4445-2017, who is currently employed at One Hogan Place located at NY, NY, 10013.
31. ELEANOR OSTROW, she was the Attorney for Cyrus.R. Vance Jr in 18 cv 4066 AMD, who is currently employed at the Appeals Bureau of the District Attorneys Office of New York County located at One Hogabn Place, NY, NY, 10013.

**Our cases have established that the "irreducible constitutional minimum" of standing consists of three elements. Lujan, 504 U.S., at 560, 112 S. Ct.**

**2130. The plaintiff must have (1) suffered an injury in fact, (2) that is fairly traceable to the challenged conduct of the defendant, and (3) that is likely to be redressed by a favorable decision. .**

**. . . To establish injury in fact, a plaintiff must show that he or she suffered "an invasion of a legally protected interest" that is "concrete and particularized" and "actual or imminent, not conjectural or hypothetical." Lujan, 504 U.S. at, 560, 112 S.**



**TERM: preponderance of evidence.**

**TEXT:** 1. The weight, credit, and value of the aggregate evidence on either side; the greater weight of the evidence; the greater weight of the credible evidence. In the last analysis, the probability of the truth; evidence more convincing as worthy of belief than that which is offered in opposition thereto. 2. The expression does not mean the mere numerical array of witnesses; it means weight, credit, and value.

Defendant Margaret Sowah (referred to in complaint as Def Sowah) the Deputy Clerk of the Appellate Division, First Department, who practiced Law for 28 yrs (1990-2018) and Worked for the New York State Court of Appeals, highest Court for the State of New York, is now and was completely familiar with the contents of the third paragraph on this paper when the plaintiff forwarded to the First

**THIS COURT HAS SUBJECT MATTER JURISDICTION**

A proceeding against a body or officer generally must be commenced in Supreme Court (see, CPLR 7804 [b]; see also, CPLR 506 [b]). Where prohibition is sought against a Justice of the Supreme Court or a Judge of the County Court, however, it must be commenced in the Appellate Division in the judicial department where the underlying action is triable (see, CPLR 506 [b] [1]). That provision is directed to the Court's subject matter jurisdiction, not merely venue, and therefore is nonwaivable (see, *Matter of Nolan v Lungen*, 61 N.Y.2d 788, 790, 473 N.Y.S.2d 388, 461 N.E.2d 874; *Ferrick v State of New York*, 198 A.D.2d 822, 823, 605 N.Y.S.2d 716).

\* Here, petitioners named County Court Judge Himelein as a respondent. Thus, notwithstanding the naming of other officers as respondents, the proceeding must be commenced in the Appellate Division (see, CPLR 506 [b] [1]; *Matter of Pollak v Mogavero*, 114 A.D.2d 640, 641, 494 N.Y.S.2d 476). Nevertheless, the Attorneys-General assert that a petitioner may not confer subject matter jurisdiction upon the Appellate Division merely by naming a County Court Judge as a respondent and that, in such cases, the Court must scrutinize the allegations of the petition to determine whether the Judge is properly named as a respondent, i.e., whether the petition in reality seeks relief against that Judge or merely against another body or officer (see, *Matter of New York State Rifle & Pistol Assn. v City of Mount Vernon*, 148 A.D.2d 616, 540 N.Y.S.2d 15; *Matter of Williams v Shanley*, 138 A.D.2d 885, 886, 525 N.Y.S.2d 980).

\* We conclude that Judge Himelein is a proper respondent and that the proceeding therefore is within the original jurisdiction of this Court. Judge Himelein granted the Attorneys-General leave to resubmit the case to a second Grand Jury, thereby endorsing their purported appointment as Assistant District Attorneys. Further, the proceeding actually seeks relief against Judge Himelein, i.e., an order prohibiting him from proceeding with the trial of the indictment. Moreover, numerous decisions hold or imply that a presiding Judge is properly named as a co-respondent in a prohibition proceeding challenging the authority of a special prosecutor or the (221 A.D.2d 144) Attorney-General (see, e.g., *Matter of B. T. Prods. v Barr*, 44 N.Y.2d 226, 231, 234, 405 N.Y.S.2d 9, 376 N.E.2d 171; *Matter of Dondl v Jones*, 40 N.Y.2d 8, 386 N.Y.S.2d 4, 351 N.E.2d 650, rearg denied 39 N.Y.2d 1058; *Matter of Blancero v Brown*, 216 A.D.2d 384, 628 N.Y.S.2d 729, lv denied 86 N.Y.2d 705; *Matter of Liebowitz v Harrington*, 152 A.D.2d 737, 544 N.Y.S.2d 189; *Matter of Collesano v Marshall*, 151 A.D.2d 1045, 542 N.Y.S.2d 455; *Matter of Board of Supervisors v Aulisi*, 62 A.D.2d 644, 406 N.Y.S.2d 570, affd 46 N.Y.2d 731, 413 N.Y.S.2d 374, 385 N.E.2d 1302), or challenging the prosecutor's authority to proceed upon an allegedly illegally obtained indictment (see, *Matter of Forte v Supreme Ct.*, 48 N.Y.2d 179, 183-184, 422 N.Y.S.2d 26, 397 N.E.2d 717; *Matter of Vega* (644 N.Y.S.2d 940) v Bell, 47 N.Y.2d 543, 546-547, 419 N.Y.S.2d 454, 393 N.E.2d 450).

Department the April 12 and April 19 2018 Article 78 Petitions.

Jurisdictionally defective

Haggerty v. Himelen, 221 ad2d 138  
In May 10 2018 letter  
to def Sowah.

CPL 170.20

## **R 2102. Filing of papers**

(a) Except where otherwise prescribed by law or order of court, papers required to be filed shall be filed with the clerk of the court in which the action is triable. In an action or proceeding in supreme or county court and in a proceeding not brought in a court, papers required to be filed shall be filed with the clerk of the county in which the proceeding is brought.

(b) A paper filed in accordance with the rules of the chief administrator or any local rule or practice established by the court shall be deemed filed. Where such rules or practice allow for the filing of a paper other than at the office of the clerk of the court, such paper shall be transmitted to the clerk of the court.

\* (c) A clerk shall not refuse to accept for filing any paper presented for that purpose except where specifically directed to do so by statute or rules promulgated by the chief administrator of the courts, or order of the court.

## C O M P L A I N T ..

To survive a Rule 12(b)(6) motion to dismiss, a complaint must provide 'enough fact to raise a reasonable expectation that discovery will reveal evidence' of illegality. D'Alessandro v. City of New York, 2017 U.S. App. LEXIS 20209; UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT.

The plaintiff stated the following facts in April 19 2018 Article 78 Petition (but only up until 12-4-2017) one of the reasons, def's Barnes, Ward, Sowah did not want ~~if~~ commenced, and, Scherzer okayed it as well when she became aware.

1. On Sep 25 2017, in the County of New York, on the corner of Madison and Rutgers Streets, on the lower east side, four Transit District four officers grabbed the plaintiff arms and stated 'freeze you under arrest' (def's Simon, Frazier, Jane and John Doe only grabbed the plaintiffs; ~~arms~~ because they knew him from prior arrest in East Broadway, and, because he is black, they wanted to see if the plaintiff actually committed a crime that day, but they had to allege something to make and Complete an arrest on 9-25-2017). After continuously asking them what did I do? Simon, Frazier, Jane and John Doe forced the plaintiff into the squad car when it arrived on Madison and Rutgers Streets. At the precinct the plaintiff refused to be fingerprinted. While def's Frazier and Simon was together transporting the plaintiff to the van that was awaiting him on 14th street between Broadway and University place to take him to central bookings, def Frazier told the plaintiff that he was being arrested for swiping someone thru a turnstile (but they did not voucher any metrocards nor money to put in evidence against the plaintiff CPL 1.20 sub 40). Inside van was def John Doe, the one that stood at Bellvue hospital with def's Ghegan and Phoenix when def John Doe put the plaintiff in a chokehold. On drivers side was def Jane Doe. Def's Simon and Frazier put the plaintiff on the van ledge, the plaintiff turned around to face them asking who saw me swipe someone on a turnstile?, and, def's Simon and Frazier just wanted the plaintiff inside of ~~van~~ they pushed him and he fell backwards ~~on~~ van hurting his middle back from push into van (because the rear cuffs hurt his middle back).

An ambulance arrived and took the plaintiff to Bellvue Hospital. After keeping the plaintiff in Bellvue Hospital's Physch Ward for two hours approximately rear cuffed on bed, and, the plaintiff kept on a screaming, my back, my back, the doctor finally cleared him and sent him to a part for his back. A short time later, def's Ghegan and Phoenix showed up to stay with def John Doe(arresting officer). They all became the transporting officers. A short time later, def M.D. Cheyenne Snavely appeared, and, the plaintiff spit at def John Doe, and, the plaintiff did that while he was shackled on bed and each arm was cuffed to arms of bedposts(B) right in front of def John Doe(arresting officer) def's Snavely and Phoenix twisted a bedsheet into the air right above the plaintiff, and, tied it under the plaintiff's under arms(to show that is what they do to black criminal) and, def Snavely put on an extra pair of leg shackles to go with the leg shackles that been there since 14th street ambulance pick-up. A short time later, def M.D Joseph Habboushe came and saw the sheet around the plaintiff and the extra pair of leg shackles, and, did not think anything was wrong with it. Around an hour or so later, def John Doe took the sheet from around the plaintiff, and, also took off the extra pair of leg shackles, then, def's Snavely and Habboushe cleared the plaintiff, and, told him that he can take tylenol for the pain(the reason they cleared the plaintiff without performing thier official duties, is because they figured all black suspects under arrest faked injuries to get civil suits against the police thsat arrested them). Subsequently, def's Ghegan, Phoenix and John Doe told the plaintiff that what we are leaving, and, the plaintiff stated 'well your I can't walk right now' and, one of them stated 'well you better or we going to drag your ass' before you knew it, they stood him up to rear cuff him, and, def Ghegan and Phoenix carried the plaintiff by his legs while shackled and def John Doe carried the plaintiff by his shoulders and they all transported him to van like that, and, when at van, def Ghegan opened up van door, and,(c)they threw him in there(in van)on floor by seat after falling on seat first.

After picking up the plaintiff, def Phoenix sat on seat in front of the plaintiff, def John Doe(arresting officer)sat next to the plaintiff, and, def Ghegan drove. (D)Def Phoenix then put the plaintiff's head down with force while rear cuffed and shackled and stated 'yeah Muthafucka you like spitting at cops' and, the plaintiff stated twice loud so Ghegan can hear 'get off of my neck I can't breathe, get off of my neck I can't breathe' and, after about two minutes, def Phoenix let go of the plaintiff, and, def John Doe(Arresting officer)put the plaintiff in a chokehold for about one minute. Once we arrived at transit district police station at 14th Street and Union Square, def Ghegan got out first with anger (because he slammed the door hard) opened up the van door, and, def Phoenix got out then def John Doe(arresting officer) and, the plaintiff stood up and stated loud wait I am rear cuffed and shackled while standing on the van ledge(because def John Doe was Pulling him closer by his shirt)and then(E)together, after John Doe pulled the plaintiff by his shirt and the plaintiff fell on ground hard and almost hit his mouth(F)while rear cuffed and shackled they carried the plaintiff upside down steps - meaning, the plaintiff's face was south and his legs were north, and, the plaintiff was crying saying to the def's PLEASE PLEASE YOUR, DON'T LET MY HEAD HIT THE STEPS, I DON'T WANT TO DIE, PLEASE PLEASE YOUR. Once inside of Transit District Four Police station, all three def's dropped the plaintiff on his back in front of Sergeant on duty there.(Showing that is what they do to black guy criminals who spit at police)another ambulance was called and the plaintiff was taken back to Bellvue Hospital with a neckbrace. At Bellvue hospital, the M.D. for that tour(the tours changed)told the plaintiff that she did feel tenderness in his neck, and, she also checked his back out, prescribed him medication and discharged him.(The U.S. Supreme Court has held that the question whether an officer has used excessive force requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting or attempting to evade arrest by flight. KISLEA v. HUGHES: SUPREME COURT OF THE UNITED STATES: 138 S. Ct.1148)



Indide of Central Bookings, with the two new transporting officer s that treated the plaintiff with respect and care, showed the pla ntiff his arrest charges, the ones that brought him to jail from Madison and Rutgers Streets, one count of 145.20 D felony, one co unt of 145.05 sub 2 E felony, one count of 165.16 B misdemeanor(S ee NYPD PETS PROPERTY CLERK INVOICE listed only this criminal cha rge, unauthorized sale of certain transportation services) and, o ne violation of Transit Rule 1050.6 B 2.

(Joint Liability arises when a tortious act is committed by sever al persons acting in concert. It means that each tortfeasor is en tirely responsible for the damage resulting from that concerted c onduct. Thus, in a true joint liability situation, a successful p lantiff may look to any one of the defendants for full satisfacti on of a damage award. Implicit in this analysis is the notion tha t the liability of each party is dependent on the liability of th e other-that is, that it would be logically inconsistent for one to be held liable while the other is not. CAYUGA v. PATAKI, et al 79 F. Supp. 2d 66).

When liability is said to be joint and several' it means that eac h tortfeasor is individually responsible to plaintiff for the whol e of the damage. CAYUGA v. PATAKI, et al; 79 F. Supp. 2d 66)

Wholly fabricated means, after a reading by your at the local cou rt arraignment of of the Non-Criminal Complaint, your concluded t hat, since your kmnow that there is no device in any trainstation where simon could have saw the plaintiff committ crimes in the sta tion while Simon was on duty there, and, there is no money, metyp cards, and, video in evidence right now at the local court arraig nment to corroborate Simon's allegations in this complaint, the a llegations in this complaint is deliberately created by Simon and Frazier to complete an unconstitutional arrest, and, to have Cory Reid illegally prosecuted on that deliberate creation, to deny Co ry Reid his right to fair trial., Pursuant to RICCIUTI, 124 f.3d 123; UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT.

***Constitutional Law > Bill of Rights > Fundamental Rights > Procedural Due Process > Scope of Protection***

***Civil Rights Law > Section 1983 Actions > Law Enforcement Officials***

Ricciuti's holding applies to falsified information contained in an officer's account of his or her observations of alleged criminal activity which he or she conveys to prosecutors.

***Civil Procedure > Appeals > Standards of Review > Abuse of Discretion***

***Civil Procedure > Trials > Jury Trials > Jury Instructions > Supplemental Instructions***

GARNETT v. CITY OF NEW YORK, 838 f.3d 265; UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT.



***Civil Rights Law > Section 1983 Actions > Law Enforcement Officials******Constitutional Law > Bill of Rights > Fundamental Rights > Procedural Due Process > Scope of Protection***

A 42 U.S.C.S. § 1983 plaintiff may sue for denial of the right to a fair trial based on a police officer's fabrication of information, applies when the information fabricated is the officer's own account of his or her observations of alleged criminal activity, which he or she then conveys to a prosecutor.

***Civil Rights Law > Immunity From Liability > Defenses******Civil Rights Law > Immunity From Liability > Local Officials > Individual Capacity***

GARNETT v. CITY OF NEW YORK, 838 f.3d 265; UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT.

Non-Criminal means, after you read the Wholly fabricated Complaint, at the local Court Arraignment, and, in Part C, you concluded that, since you know that putting a piece of Paper into an opening of A MVM, and, turning the light from green to yellow, then, approaching two people to speak to them, then swiping those two people thru A turnstile, without accepting any kind of payment for the swipe is not crimes (A Government Official does not have absolute immunity for acts that are manifestly or palpably beyond his authority, or performed in the clear absence of all jurisdiction. *DOE v. PHILLIPS*, 81 F.3d 1204; UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT.) you did not have any criminal Matter that could legally justify you remanding Cory Reid to the Dept of Correc. Also you concluded that, there is no Criminal Matter to allow my client Cory Reid to be prosecuted on, nor, is there any Criminal Matter to preside over, and, Criminal Accusation to prosecute Cory Reid on and present to a Grand Jury against Cory Reid Pursuant to CPL 170.20, even though, you know, CPL 170.20 do not apply to 2017NY050276 Pursuant to NUNZIATA; 2001 N.Y. Misc. LEXIS 1006, CRIMINAL COURT OF THE CITY OF NEW YORK, NEW YORK COUNTY PART F.

2. Before the plaintiff got arraigned in APAR 1, def's ADA John Doe and Darkeh reduced the aforementioned Criminal charges pursuant to CPL 180.50, and, dismissed the felony complaint Pursuant to CPL 180.50 3 d (because at the local court arraignment, there was no video, money nor metrocards, so def's Drakeh, ADA John Doe, and, Gunasekera tried to con the plaintiff into taking a Nine month plea deal, because the plaintiff last two arrest at the east broi adw at trainstation he took nine moth plea deals) and there is no authority to restore one kind of felony and add another one of that same kind pursuant to prevailing authority *People v. King*, 37 Misc. 2d 1070; and, ADA John Doe, Gunasekera, Supervisor and Moses knew the same. (King case Attached).

3. Sep 26 2017, the plaintiff got arraigned on one count of 145.15 Amisdemeanor, one count of 145.00 sub 1 A misdemeanor, and, two violations of Transit rules-1050.4(c), 1050.6 B2. Prior to that arraignment, the plaintiff met with his defense Attorney, def Yosha Gunasekera, and, she showed the plaintiff the Non-Criminal, Wholly fabricated complaint, and, it read as follows

An allegation that, def Simon was watching thru videosurveillance (while he was on duty there) and saw the plaintiff insert a piece of paper into an opening of a MVM, and, then, Simon stated he saw the plaintiff approach two people to speak to them, def Simon then stated that after that, he saw the plaintiff take those two people to the service gate and attempted to open it up, and, when that did not work, he saw the plaintiff take those two people to the turnstile, and, swipe those two people thru the turnstile (he did not say the plaintiff accepted anything for the swipes). Once the plaintiff read the aforementioned, he then told his attorney, def Gunasekera, that, that is a lie because, there is no device at the eastbroadway trainstation where someone can see thru and look at the stations while they are there in the station, the only device is at the Mass Transit Authority itself, eastbroadway nor any other trainstation have one, since the videosurveillance only belong to the Mass Transit Authority, and, not the police. That day (9-26-2017) def's ADA John Doe and Darkeh 'intentionally' remanded the plaintiff on that complaint, 'knowing' that it was Wholly fabricated and Non-Criminal, because they knew that, there is no device at any trainstation where you can see the stations while you are on duty there, plus, they knew that what def Simon stated in the Complaint did not amount to crimes-consistent with the allegations not being facts of evidentiary character sufficient for further lawful prosecution, they just remanded the plaintiff because he was black with priors in that same trainstation, and, because the plaintiff did not take the Nine month plea deal like they expected he will. That day (9-26-2017) def Gunasekera knew also that her client's complaint was Wholly fabricated and Non-Criminal, she was waiting around for def's Darkeh and ADA John Doe. That day (9-26-2017) def Gunasekera intentionally failed to inquire if the People's (Darkeh, ADA John Doe) had an actual video in evidence, as well as Money and metrocards against her client pursuant to CPL 1.20 sub 40. So on that day (9-26-2017) with Gunasekera's consent, def Darkeh and ADA John Doe <sup>sent</sup> 2017NY050276 to Part C for further unlawful prosecution, while they both proceeded without nothing to proceed with and together to deprive the plaintiff of his Constitutional right not to be deprived of liberty on the basis of false evidence fabricated by Simon and Frazier at eastbroadway.

4. Prior to or on 10-4-2017, def Moses read the Complaint against the plaintiff that was unlawfully sent to Part C (First Court appearance in Part C for the plaintiff) by Darkeh, after Moses read the Complaint, he then knew right away, it was Wholly fabricated, and, Non-Criminal, he then realized that he did not have any trial Jurisdiction Pursuant to CPL 1.20 sub 24, and, he knew that if he intentionally proceeded any further, it would be 'knowingly' proceeding in the clear absence of all jurisdiction while at the same time, depriving the plaintiff of his right not to be deprived of liberty on the basis of false evidence fabricated by Simon and Frazier, and, def Moses did both because the plaintiff is black and had a history in eastbroadway trainstation, and, def Moses wanted to see what can he do to pay the plaintiff back for not taking the plea deal as he felt he should have. That day(10-4-2017), the plaintiff met with his Attorney def Gunasekera, and, that day(10-4-2017) she intentionally failed to argue(because she knew) her clients complaint was Wholly fabricated and Non-Criminal, she was waiting for def's Moses and ADA John Doe's next move, so with her permission, def Moses and ADA John Doe without legal Justification set another court appearance for 10-17-2017, and, Moses and ADA John Doe together proceeded without nothing to proceed over and with, and together with Gunasekera to deprive the plaintiff of his right not to be deprived of Liberty on the Basis of false evidence fabricated by Simon and Frazier, and, Jane and John Doe permitted the fabrication.(All four arresting officers).

5. Prior to or on 10-17-2017, A video arrived from the Mass Transit Authority, so then def's Moses and ADA John Doe made a plan to retaliate against the plaintiff for not taking the Nine Month plea deal, when they(moses, ADA John Doe)did not know it was actually a video for the complaint(since there wasn't one at the local court arraignment, as required to arrest and remand) by def Moses insisting ADA John Doe present the complaint to the Grand Jury as #2017NY050276 pursuant to CPL 170.20 with the help of Gunasekera and her supervisor, because they all knew that CPL 170.20 was only for cases that originate as misdemeanors. It do not apply to cases that originate as felonies.(So they knew 170.20 did not apply to the plaintiff)But they did it so the plaintiff would not proceed to trial on the misdemeanors, to invoke trial on the felonies.(TAPA)

6. On 10-17-2017, in 100 Centre Street, NY, NY, 10013, the plaintiff met with his defense Attorney, def Gunasekera, and, her Supervisor (prior to Part C appearance), and, Gunasekera brought her Supervisor along for two reasons. #1 was to tell the plaintiff in other words, Mr. Reid, whatever I am telling you, you should believe me because my supervisor is with me, and, he will tell you if I am lying or not'. #2 was to provide assistance to def's Moses and ADA John Doe, even if the plaintiff did not believe Gunasekera. That day (10-17-2017) they (Gunasekera and Supervisor) came to try and convince the plaintiff into taking a E felony plea deal to 110/145.20 Attempted Criminal Tampering in the First Degree, or, they (Moses and ADA John Doe) was going to guaranteed indict the plaintiff on two counts of Criminal Tampering in the first Degree in violation of Penal Law 145.20 D Felony (Gunasekera stated that right next to her supervisor) (See why Gunasekera, Supervisor, ADA John Doe, and Moses was so interested in two counts of 145.20, after they viewed video, see what def ADA Barnes only wanted to see in video on 12-4-2017, then see what def Jaccarino saw in video on 10-17-2018, when he told the plaintiff), the plaintiff kept on saying to Gunasekera and her supervisor, how can they indict me on a felony, and, they already reduced the felonies? (Gunasekera's supervisor did not tell the plaintiff, that, by law, they cannot restore one count of 145.20 and add another, the Judge (Moses) and the Prosecutor (ADA John Doe) are only restoring one count of 145.20 and adding another one because you did not take the plea, and, we (Gunasekera and Supervisor) helping because you are black with priors in east Broadway). That day (10-17-2018) def Gunasekera did not tell the plaintiff exactly what she saw in video, but she did tell the plaintiff that it was not just one machine he damaged like the Complaint stated. (As the Mollen Commission recently reported: 'Police Perjury and falsification of official records is a serious problem facing the Department and the Criminal Justice System... When Police lose their credibility, they significantly hamper their own ability to fight crime and help convict the guilty. A police word is a Pillar of our criminal Justice System. People v. Kendrick. 1623 Misc. 2d 75: CRIMINAL COURT OF THE CITY OF NEW YORK, NEW YORK COUNTY.)



That day(10-17-2017), def Gunasekera unconstitutionally left #201 7NY050276, after they(gunasekera, Supervisor, ADA John Doe, Moses ) first plan to con the plaintiff into taking a plea to an E felony to a Wholly fabricated, Non-Criminal Complaint did not work, but, just in case the plaintiff did not take the E felony plea deal, they(Gunasekera, Supervisor, ADA John Doe, Moses) second plan to present the Wholly fabricated, Non-Criminal Complaint to a Grand Jury pursuant to CPL 170.20 as docket Number 2017Ny050276, to get one count of 145.20 back, and, add another count pursuant to the video, without effective assistance from the plaintiff's Attorney def Gunasekera arguing CPL 170.20 do not apply to her client's case, and, even if it do, the complaint that he is being prosecuted on is Wholly fabricated, I saw the video, and, the complaint is Non-Criminal, so this court do not have trial Jurisdiction pursuant to CPL 1.20 sub 24 worked, because, eventhough, def Gunasekera unconstitutionally left that day(10-17-2017), prior she knew the aforementioned, and, the only reason she unconstitutionally left is because her duty for them(ADA John Doe, Moses) was done like they(Gunasekera, Supervisor, ADA John Doe, Moses) planned. That day in Part C, def Moses affirmed(letting Gunasekera, ADA john Doe know) that he was granting the People's(Moses, Gunasekera, Supervisor, ADA john Doe) application for CPL 170.20, so they(Gunasekera, supervisor, ADA John Doe, Moses) can restore one count of Criminal Tampering in the First Degree in violation of Penal Law 145.20 D felony, and, add another count(to match video for trial). That day(10-17-2017), def 's Moses and ADA john Doe, together proceeded in the clear absence of all jurisdiction, thanking def Gunasekera for not saying anything about it since 9-26-2017 when she read the Non-Criminal complaint, and, prior to 10-17-2017, or, on 10-17-2017, when she saw the video and assured herself that the Non-criminal complaint was Wholly fabricated, since she surely believed that before seeing actual video(because at the local court arraignemtn, there was no money, metrocards or video there) but, she kept her belief out of Part C, so, the plaintiff would not know that she knew(that by law there was suppose to be money, metrocards and video at the arraignment to legally justify remanding her client for further prosecution on 2017Ny050276).

7. Back at the Jail, the plaintiff found out about CPL 170.20,

8. 11-20-2017, the plaintiff testified on his own behalf at the Grand Jury, and, told the Grand Jurors 'Ladies and Gentleman, today I am here Pursuant to CPL 170.20, and, that Laws very Language applies only to cases that originate as misdemeanors. It do not apply to cases that originate as felonies. And Ladies and Gentleman, I got arrested for two felonies(one count of 145.20, and, one count of 145.05 sub 2- D and E felonies) and before I even got to a arraignment court, the Judge(Darkeh APAR 1) and Prosecutor(ADA John Doe) reduced to misdemeanors(145.15, 145.00 sub 1, both A misdemeanors)before I got arraigned because they(Darkeh and ADA John Doe) did not have a video(to make sure the complaint was non-fabricated)so they(Darkeh and ADA John Doe) offered me nine months due to my last two arrest at the eastbroadway trainstation I took nine month plea deals, and, Ladies and gentleman, I am not saying that I did not commit no crime, but, what I am saying is thast, it is illegal for me to be here today(11-20-2017) due to CPL 170.20 not applying to docket number 2017NY050276, and, ladies and Gentleman the prosecutor(ADA John Doe) have to tell your what I am saying is true or he will impair your integrity, and, then the plaintiff put on record that he was leaving with the Grand Jurors, two criminal cases that talk about CPL 170.20.(People vNunziata;2001 N.Y. Misc. LEXIS 1006, CRIMINAL COURT OF THE CITY OF NEW YORK, NEW YORK COUNTY PART F. And People v Lebron, 182 Misc. 2d 640)(One of the plaintiff's April 3 2018 Article 78 Petition stemmed from his sub 1 subsec C part of his 210.20 Pre-trial motion, that, stemmed from the Grand Jury, compelling def Ward to comply with Brady, 'stating in substance, that, if the prosecutor(ADA John Doe) did not tell the Grand Jurors, that, they cannot indict Cory Reid, due to CPL 170.20 not applying to 2017NY 050276, that constituted Brady Material favorable to the plaintiff, because, def Ward in her decision and Order dated March 14 2018, entertained only that part of motion(due to the other parts being jurisdictional) stating that there was no defect in the Grand Jury proceedings. Nor do the Grand Jury minutes reflect any such defect. Making that NON-frivolous Article 78, proper for filing pursuant to CPLR 2102(c). See part of this complaint that starts off sometime after May 1 2018) (People v. Nunziata case attached).

9. 11-21-2017, in 100 centre Street, NY, NY, 10013, Part C, def Moses was not present, and, the reason is, is that, he had no authority to grant CPL 170.20, def Moses only illegally granted CPL 170.20, because the plaintiff is black and did not take the pleas(nine months, then E felony). That day(11-21-2017) a female Judge was in Part C, she was one of the plaintiff's Respopndents in his April 19 2018 Article 78 Petition. The plaintiff told the Judge 'Your Honor, CPL 170.20 applies only to cases that originate as misdemeanors. It do not apply to cases that originatye as felonies. ' Subsequently, the Judge stated to the plaintiff, Mr.Reid, you did get arrested for felonies(she meant in other words that cpl 170.20 did not apply to 2017Ny050276, she do not know the reason it was granted). That day(11-21-2017) in Part C, the plaintiff was told that he was indicted, but he really was not, that is the main reason, def Sowah concealed the plaintiff's April 19 2018 Petition for 55 days, illegally forwarded back to the plaintiff his April 12 2018 Petition, made believed she did not recieve his JUNE 20 2018 Petition, and, her and her partners in crimes(18 USCS 241, 242) Rojas, and, A.Ortiz hid his July 11 2018 Petition, all okayed by def's Barnes and Ward(readily inferred from them ignoring the Plaintiff's June 19 2018 Petition for warded to all three of them via Mail(barnes, Ward and Sowah). That day(11-21-2017), def Nicholas Barnes got assigned to prosecute #4445-17, eventhough the plaintiff did not gvet indicted by the Grand Jury to recieve #4445-17.

10. 12-4-2017, in the County of New York, Part 71, the plaintiff got arraigned on the Video, charging him with two counts of Criminal Tampering in the First Degree Inviolation of Penal Law 145.20 D felony, exactly what they(Gunasekera, Supervisor, Moses, ADA John Doe) planned. That day(12-4-2017), def ADA Barnes told Part 71 that he viewd in video, the plaintiff rip a piece of pasper off of the wall, and, insert that paper into two metrocard machines(The Second Circuit has held that a person has 'the right not to be deprived of Liberty as a result of the fabrication of evidence by a Goverment officer acting in an investigating capacity. Zahrey v. Coffey, 221 f.3d 342). If Barnes only wanted to see that in video so did Moses, ADA john Doe, and Supervisor with Gunasekera prior to, or, on 10-17-2017, substantiating the plaintiff's claim that the complaint was Wholly fabricated, Simon and his integral participants never watched thru videosurviellance and def's



Darkeh, Gunasekera, Supervisor and Moses knew that def's Simon and Frazier never watched thru videosurveillance because they knew that there is no device in the Trainstation where a person could have but they still insisted ADA John Doe prosecute the plaintiff on that complaint.(Def Ward could not have legally filed that two count indictment with Part 71, because it did not directly derive from the initial one within the meaning of CPL 1.20 16B, and, def Ward did 'Knowingly' so the plaintiff filed an Article 78 dated April 3 2018 against def Ward and Simon dealing with the latter asking for Relief from def Ward Pursuant to CPLR 506 B1 making that Petition Non-frivolous, Proper for filing Pursuant to CPLR 2102c. See part of this Complaint that begins with sometime after May 1 2018)(In Def's ward and Barnes Decision and Order dated March 14 2018, def Ward stated the evidence presented to the Grand Jury supports Felony Charges, sufficient for NYPL 145.20 D Felony. The plaintiff did not think so because, if def Ward was the ~~quasi~~ Judge for 3739/2015 and she allowed the plaintiff to take a plea to a D Felony for an allegation that on nine days the plaintiff rendered the metrocard machines inoperable(out of service)making that a Substantial interruption, then, how is not fully operable a substantial interruption and since it is the province and duty of the Judicial Department to say what the law is, the plaintiff filed an Article 78 prohibiting def Ward from moving until she tell the plaintiff the definition of a substantial interruption in #4445-2017, making that Petition Non-frivolous, Proper for Filing Pursuant to CPLR 2102c. See Part of this complaint that begins with some time after May 1 2018). That day(12-452017) after the plaintiff got arraigned on the Mass Transit Authority video Accusation, and after the plaintiff made a timely request to proceed as his own Attorney, the plaintiff then told def Ward that those two papers that Part 71 handed to him did not amount to crimes(D'Alessandro v. City of New York, 2017 U.S. App LEXIS 20209: UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT stated AN Indictment is jurisdictionally defective only if it does not effectively charge the defendant with the commission of a particular crime')and, the plaintiff read in substance that he damaged and Tampered with the property of a metrocard machine to wit of a gas, electric, sewer, steam and Waterworks corporation, common carrier(same thing as metrocard mach

ine)telephone and telegraph Corporation, nuclear powered electric generating facility operated by a municipality and district and thereby caused a substantial interruption and impairment of services rendered to the public. The def Ward and def Barnes read the aforementioned, def Ward totally disregarded her position as a Judge and def Barnes totally disregarded his position as a Prosecuting Attorney, and the Court's Stated goals, failing to act upon that major defect their subjectmatter Jurisdiction SUA SPONTE, (since a Court is duty bound not only to notice, but to act upon it as well. In Re Martinez, 129 F. 3D 213) see def Ward totally disregarded her position as a Judge so she could 'intentionally' and 'Knowingly' proceeded in the clear absence of all jurisdiction with def Barnes. By that same presiding over a Mass Transit Authority video accusation unconstitutional conduct, def's Barnes and Ward set a date for defense motions.(1-29-2018). (Thus, the clear absence of all Jurisdiction' exception to absolute immunity requires the official to know that he lacked jurisdiction. When the want of jurisdiction is known to the judge, no excuse is permissible. Bradley v. Fisher, 80 U.S. 335.) (April 12 2018, the plaintiff filed an Article 78 Petition against def's Barnes and Ward compelling them to dismiss the indictment filed with her Court Part as Jurisdictionally defective, making that Article 78 Non-frivolous, proper for filing Pursuant to CPLR 2102c. See this Complaint that begins with sometime after May 1 2018). (June 20 2018, the plaintiff filed an Article 78; see why due to April 12 2018; and, the June ]20 2018 Article 78 was against def Ward only compelling her dismiss the indictment filed with her Court Part as jurisdictionally defective, making that Article 78 Non-frivolous, Proper for filing Pursuant to CPLR 2102c and CPLR 506 B 1).

11. 1-6-2018, the plaintiff forwarded to def Ward an Affidavit to be rebutted by her, that told her that she lacked jurisdiction due to her not having an indictment pending against the plaintiff in her Court Part 71. (Affidavit Attached).

12. 1-29-2018, in Supreme Court Part 71, def's Ward and Barnes continued together to 'intentionally' and 'Knowingly' proceed in the clear absence of all jurisdiction.(Def Ward ignored the affidavit the plaintiff forwarded to her via email).

13. After the People's(Def's Barnes and Ward) unlawfully responded to the plaintiff's CPL 210.20 sub 1 subsec's A and H part of Pre-Trial MOTION(sub 1 is dismissing, and, A part is indictment being defective, and, H part is jurisdictional impediment for conviction fro NYPL 145.20) def's Barnes and Ward made a decision and order dated March 14 2018.(Decision and Order attached).

Substantive Due Process protects individuals against Government action that is arbitrary, conscience shocking, or oppressive in a constitutional sense. GRILLO v. COUGHLIN, 31 f. 3d 53;UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUITY

14. March 26 2018, in Supreme Court Part 71, the plaintiff was handed the March 14 2018 Decision and Order from def's Ward and Barnes. The plaintiff reread it entirely when back in the bullpens, and, concluded that def's Barnes and Ward purposely did not entertain the plaintiff's subsections A and H part of the motion because it was dealing with jurisdiction of the court.

That conduct from def's Barnes and Ward 'Shocked the Conscience, '...and interfered with rights 'implicit in the concept of ordered liberty, "'U.S. v.Salerno, 481 U.S. 739.

15. On March 28 2018, the plaintiff filed a writ of Mandamus, Article 78 Petition Pursuant to CPLR 506 B 1, 2012(c), and, forwarded that writ to the App Term First Department's Clerk of Court(def Rojas) to compel def Ward to entertain his Subsection A and H part of motion.(Pre-Trial motion attached).

A denial-of-Access-to-the-courts claim is not valid if a litigant's position is not prejudiced by the alleged violation. Ruiz v. United States, 160 f. 3d 273. It is only when a prisoner suffers some actual prejudice or detriment because of the alleged denial of access to the courts that the allegation becomes one of constitutional nature. Walker v. Navarro County Jail, 4 f. 3d 410. To prove his claim, a plaintiff must show real detriment- a true denial of access, such as the loss of a motion, the loss of a right to commence, prosecute or appeal in a court, or substantial delay in obtaining a judicial determination in a proceeding. Oaks v Wainwright, 430 f. 3d 241.

16. April 3 2018, the plaintiff forwarded three(3) Article 78's dated April 3 2018, addressed to the Clerk of Court(def Rojas) of the App Term, First Department, Located at 27 Madison Avenue, and, since they was all asking for relief against a Supreme Court Judge,(def Ward), the plaintiff had no other choice but to forward them to an Appellate Division, Pursuant to CPLR 506 B 1.

17. April 12 2018, the plaintiff forwarded an Article 78 Petition addressed to the first department's Clerk of Court(def Rojas) against, Def's Barnes and Ward, asking for relief from def ward, because it was challenging an illegally obtained indictment, and, its sufficiency of allegations., so the plaintiff had no other choice but to forward that Petition to an App Term, Pursuant to CPLR 506 B 1.(Writ attached, also see pg 6 of this complaint).

The Second Circuit has stated 'In order to establish a violation of a right of Access to Courts, a plaintiff must demonstrate that a defendant caused actual injury, i.e., took or was responsible for actions that hindered a plaintiff efforts to pursue a legal claim.'''

18. April 19 2018, the plaintiff forwarded an Article 78 Petition to the First Department, App Term, addressed to the Clerk of Court(Def Rojas) against def's Ward, Darkeh, Moses, Judge in Part C on 11-21-2017, Four Arresting Officers from TD 4, All Grand Jury Members on 11-20-2017, Gunasekera, Supervisor, Ghegan, Phoenix, Shanavely, Habboushe, Prosecutor John Doe(one before Barnes) Legal Aid Society, Mass Transit Authority, and, the Petition was to vacate and set aside the respondents all grand Jury Members decision as null and void to indict Cory Reid contrary to CPL 170.20, since they was told by Cory Reid they could not legally. And the Petition was directing def Ward to dismiss indictment filed with her court part 71, since it was found in violation of CPL 170.20 since the Petition was asking for relief from a supreme court judge, the plaintiff had no other choice but to forward it to an App Term pursuant to CPLR 506 B 1.(see number or rather pg 6 of this complaint).

***Civil Rights Law > Section 1983 Actions > Scope***

The allegation of intentional violation of the right of access to the courts states a cause of action under 42 U.S.C.S. § 1983 suggests that a reasonable official would know that intentional deprivation of the Bounds right violates the constitution.

***Civil Procedure > Summary Judgment > Supporting Materials  
> General Overview***

***Civil Procedure > Summary Judgment > Opposition > General  
Overview***

***Civil Procedure > Summary Judgment > Supporting Materials  
> Affidavits***

Lewis v. Casey, 518 U.S. 343, 351, 116 S.Ct. 2174, 2180, 135 L.Ed.  
2D 606 (1996) (Quoting Bounds, 430 U.S. at 825.

19. Around the ending of April of 2018, the plaintiff called the motion of the First Department, Appellate Division's motion office and Renae told the plaintiff that he had two return dates. One for May 8 2018(March 28 2018 Petition) and one for May 15 2018(April 3 2018 Petition with Ward and Simon).

20.\*\*\* Sometime after May 1 2018, the plaintiff received via mail a correspondence from def Margaret Sowah dated May 1 2018, with four Article 78's attached unfiled and returned to plaintiff for him to file in the Lower Court. Def Sowah forwarded back via mail all three April 3 2018 Petitions stamped received April 6 2018 on cover letter. The April 12 2018 Petition stamped received April 27 2018. But, def Sowah did not return the April 19 2018 Petition stamped received April 24 2018. Due to not rebutting the June 19 2018 Petition(see June 19 2018 Petition) the plaintiff figured that either, on def's Sowah's own initiative she illegally and contrarily to CPLR 2102(c) returned those have to file there article 78 Petitions, or, she contacted def's Ward and Barnes and they gave her instructions on what to do with which ones.(The plan was to have the plaintiff forget about the April 19 2018 one). See Defs' Moses Gunasekera, Supervisor, and ADA John Doe wanted the plaintiff prosecuted on two counts of criminal Tampering in the first degree in violation of Penal Law 145.20 Pursuant to the video, and, to disregard anything else illegal the video might show the plaintiff do Prohibited by a Penal Law and Transit Rule regardless of an actual indictment by a Grand Jury, so not filing that April 19 2018 Petition was top priority to them(Moses, Gunasekera, Supervisor, ADA John Doe, ADABarnes, Ward, Sowah, Rojas, A.ortiz)even though the first four names probably did not know about the Petition(due to it never getting filed)they(Moses, Gunasekera, Supervisor, ADA John Doe)still wanted the prosecution, one of the proximate causes of this complaint.(Correspondence attached).

21. On 11-20-2017, docket Number 2017NY050276 got terminated by the Grand Jurors because the plaintiff told them that CPL 170.20 did not apply to him, so indictment number 4445-2017 did not lawfully form from a Grand Jury as required to be an actual indictment number.



22. On May 7 2018, the plaintiff unconstitutionally was compelled to appear in Supreme Cort Part 71, in 100 Centre Street, NY, NY, 10013, in front of Laura.A.Ward and not the Honorable Laura.A.Ward presiding over any criminal matter against the plaintiff as required by the constitution, just a video accusation from Moses, Gunasekera, Supervisor, ADA John Doe. That day(5-7-2018)def's Ward and Barnes continued together to prosecute with and proceed over a video accusation, while concurrently both of them knew and continued to know about def Sowah forwarding back the plaintiff's Article 78 Petitions that could have gotten commenced in the First Department, Appellate Division where def Sowah is the Deputy Clerk at, depriving the plaintiff of the 'full and equal benefits of a State proceeding.'" And the second reason why they(Ward, Barnes, Rojas, A.Ortiz, Sowah)are not commencing nor going to commence the plaintiff highly merited Article 78 Petitions in the First Department, Appellate ADivision, where def's Sowah, A.Ortiz and Roja work at is because the plaintiff is a poor black guy from the Bernard Baruch Housing projects located on the lower east side.(Def's Barnes, Ward told def's Roajas, Sowah, and A.Ortiz that). (Access to the courts may not be denied to the poor, while available to the wealthy. See Edwards v. California, 314 US 160.)"

23. Pursuant to the Mail box Rule, on May 9 2018, the plaintiff forwarded to def Sowah an affidavit talking about CPLR 506 B 1 and two Article 78 Petitions dated April 3 2018, the same one against def Ward only to refile for the plaintiff since def Sowah was obligated by CPLR 2012(c)to keep them filed there(1st dept). Now def Sowah must give the plaintiff a new return date because the May 15 2018 return date got dismissed with prejudice once def Sowah unfiled- the same thing with when a Petitioner/plaintiff withdraws- we must start anew.(Affidavit attached).

24. Pursuant to the Mailbox Rule, on May 10 2018, the plaintiff forwarded to def Sowah a letter talking about CPLR 506 B 1 with valid case law(Haggerty v. Himelen, 221 AD2D 138 see pg 6) annexed with an Article 78 Petition against def's Ward and Moses dated May 11 2018(formerly known as def Ward and Simon)with a return date of June 20 2018 which was denied on Sep 25 2018.

The May 10 2018 letter is attached.

25. Pursuant to the Mailbox Rule, May 11 2018, the plaintiff forwarded to def Sowah a letter talking about CPLR 506 B 1.(Letter attached).

26. May 18 2018, def Sowah forwarded to the plaintiff via mail a correspondence stating that the plaintiff have two return dates- one for May 15 2018, which is no longer existing, def Sowah tried to trick the plaintiff into thinking she did refile the two April 3 2018 Petitions that the plaintiff forwarded to def Sowah with the May 9 2018 Affidavit that def Sowah did not mention in her correspondence dated May 18 2018 that she received it. Def Sowah mentioned only in her May 18 2018 Correspondence that she received the plaintiffs May 10 and May 11 2018 letters. See number 23 of this complaint that talks about the dismissed with prejudice May 15 2018 return date. The second return date was for June 20 2018, and that one is for the May 11 2018 Article 78 Petition against Ward and Moses. Still def Sowah did not mention the April 19 2018 Article 78 Petition stamped received by her or def Rojas April 24 2018. Depriving the plaintiff of the 'full and Equal benefits of a State proceeding'

27. Pursuant to the Mailbox Rule, May 17 2018, the plaintiff forwarded to def Sowah another letter talking about CPLR 506 B 1.(Letter attached).

28. Pursuant to the Mailbox Rule, May 23 2018, the plaintiff forwarded to def Sowah a letter notarized asking about the April 19 2018 Article 78 Petition stamped received April 24 2018.(Letter attached). Def Sowah Just ignored the plaintiff depriving the plaintiff of their 'full and Equal benefits of A STATE proceeding'.



29. Pursuant to the Mailbox Rule, June 12 2018, the plaintiff forwarded to def Sowah an affidavit stating thsat she did something with the plaintiff's April 19 2018 Article 78 Petition. In that affidavit, the plaintiff Told def Sowah that he was making complaints against her(Def Sherill Spatz). With that Affidavit, the plaintiff also~~4~~ forwarded back his April 19 2018 Article 78 Petition to file for him for the second time Pursuant to CPLR 2102(c)since the plaintiff have no other legal choice but to have that Petition filed in the Appellate Division. This affidavit def Sowah did not completely ignore;see #34 of this complaint.

30. June 12, 15 and the 22 of 2018, the plaintiff forwarded to the inspector General of the UCS def Sherill Spatz, a complaint against def Sowah.(All three complaints attached).

31. June 15 2018, the plaintiff forwarded to the First Department, Appellate Division, Clerk of Court(Def Susanna Rojas)an Article 78 Petition asking for relief against def Ward a Supreme Court Judge, since the Petition was against def's Ward, Barnes and Sowah. According to existing Law, the plaintiff hade no other choice but to file that Petition there in the Appellate Division. That Petition was annexed with a notice.(Notice and Petition attached).

32. Pursuant to the Mailbox Rule, June 16 2018, the plaintiff forwarded to the First Department, Appellate Division, Clerk of Court (Def Rojas)and Def Ward a motion for default judgement for the May 15 2018 return date. To this very day of the typing of these words in this complaint, the plaintiff have not heard anything from the first department concerning that motion, I mean, that department(Def Rojas, Sowah)completely ignored the motion because def Sowah tried to trick the plaintiff with the May 15 2018 return date.

33. Pursuant to the Mailbox Rule, June 16 2018, the plaintiff forwarded to def Sowah, a letter stating to her that he was going to try and put what she is going to him in the public's eye. Def Sowah just ignored the plaintiff's letter dated June 16 2018.(Letter attached).

34. June 18 2018, def Margaret Sowah, forwarded to the plaintiff a correspondence stating that his April 19 2018 Article 78 Petition cannot be commenced in this Department(55 days later). See, the only reason, def Sowah forwarded this correspondnce(June 18 2018) to the plaintiff, is, becvause the plaintiff wrote def Sowah and to ld her that he was making complaints against her(he wrote to def Spatz). Def Sowah then contacted def's Barnes and Ward, and, they instructed her on what to say in correspondence. Def Sopwah was t rying to hold out on hiding Petition until the plaintiff got illeg ally convicted. (Def Sowah was actually helping out the initial d efendants, such as but not limited to, Moses, Gunasekera, Supervi sor, and ADA john Doe, by hiding the April 19 2018 Petition). Def' s Barnes, Ward and Scherzer just wanted to keep the illegal prose cution going, thsat explains why they did not take the appropriat e steps when they found out about the concealment of the April 19 2018 Article 78 Petition. The Latter is proven by them(Barnes, Wa rd and Scherzer)knowing CPL 170.20 was not lawfully suppose to be applied for nor Granted. (The Equal Protection of the Laws does n ot mean merely Equal Protection of those Laws which concern the v iolation of Constitutional Rights. Rather, it requires Equal Prot ection of all the Laws. Barbier v. Connolly, 113 U.S. 27.)

35. Pursuant to the Mailbox Rule, June 19 2018, the plaintiff forw arded to def's Sowah, Barnes and Ward, a Petition simply asking t hem to right a wrong on their own initiative. Def's Sowah, Barnes and Ward just ignored the plantif's Lawful request for them to ab ide by the Constitution.(Petition Attached).

36. Pursuant to the Mailbox Rule, June 20 2018, the plaintiff forw arded to the Fistr Deparetment, Appellate Division, Clerk of Court (Def Rpgas), anArticle 78 Petition against def Ward only.(Since t he plaintiff's April 12 2018 Petition never got commenced). To thi s very day of the typing of these wrdrs in this complaint, the pl antiff have not heard anything from the first Department concerni ng that Writ dated June 202018 .(Writ Attached).

37. Pursuant to the Mailbox Rule, June 22 2018, the plaintiff forwarded to def's Ward and Sowah, a cover letter (cover letter only to def Ward) and with the cover letter to def Sowah, the plaintiff attached the two April 3 2018 Article 78 Petitions so she can file for the plaintiff for the third time. (Same April 3 2018 Petitions against def Ward only talked about in numbers 8 and 10 of this complaint) - (second time was with the May 9 2018 Affidavit that def Sowah did not mention in her May 18 2018 correspondence to the plaintiff.) See def Sowah knew that she could not file with the Appellate Division she is the Deputy Clerk at a dated April 3 2018 Article 78 Petition on May 9 2018 not on June 22 2018, because the Judges will want to know why so late?, so on May 18 2018, Sowah tried to trick the plaintiff, and, on June 22 2018, def Sowah just ignored the plaintiff causing a major constitutional violation and depriving the plaintiff of the 'Full and Equal benefits of all the Laws'. (Cover Letter attached).

38. Pursuant to the Mailbox Rule, June 29 2018, the plaintiff forwarded to def's Sowah and Ward an affidavit talking about the 55 days later sending the April 19 2018 back to the plaintiff contrary to CPLR 2102(c). - (Defs; Laura A. Ward and Margaret Sowah just ignored the plaintiff depriving the plaintiff of the 'Full and Equal benefits of all the Laws'.)

39. Pursuant to the Mailbox Rule, June 29 2018, the plaintiff forwarded to def's Sowah and Ward an affidavit talking about how def Sowah pretended like she did not receive the plaintiff's May 9 2018 affidavit that talked about the two return dates for May 8 and May 15 both of 2018 that renae told the plaintiff he had over the phone. Def Ward and Sowah Just ignored the plaintiff because def Ward was completely aware that def Sowah was trying to trick the plaintiff with the May 18 2018 Correspondence to him.

40. Eventhough, def Sherill Spatz, is responsible for the investigation and elimination of infractions of disciplinary standards, criminal activities, conflicts of interest, misconduct, misfeasance and incompetence on the part of nonjudicial employees (Def Sowah, Deputy Clerk) of the UCS (App Div's), and, persons or cor

porations doing buisness with the UCS, with respect to thier deal ings with the courts(Article 78's) and recieves complaints and in formation from the public and other sources(Plaintiff) about Non - Judicial employees(Margaret Sowah) and takes appropriate action (not making believe you not the person for the job) on such compl aints. The reason Def Sherill Spatz forwarded to the plaintiff a correspondence dated July 2 2018(Attached correspondence) describ ing in words something that the plaintiff did not complain of, tha t, def Spatz cannot oversee the Appellate Division regarding an A rticle 78 Petition, is because, def Spatz said to herself 'the pl antiff probably committed the crime that he is incarcerated for'' so why is she(Def Spatz) going to stop Margaret Sowah(collectivel y known as def Sowah) from not filing Article 78 Petitions forwar ded to the First Department where she is the Deputy Clerk at by t he plaintiff, that, by Law(CPLR's 506 B1, 2102(c) ) have to be fil ed in that department ?. So what I am going to do is make - belei ve that I(Def Spatz) am not that official that can help stop def Sowah's serious misconduct that already caused a deprivation of a Federal Right, and, change Corþ Reid's complaint around inm my co rrespodence to him so I can also deprive him of the 'Full and E qual benefits of all the Laws' because I know that barring a liti gant from the courthouse is a serious matter(like def Sowah did a nd still going to do along with Rojas and A.Ortiz with my permiss ion)for Access to the Courts is one of the Cherished freedoms of our system of Government.Raffle v. Doe,619 F.supp.891;S.D.N.Y.

41. The reason def's Barnes and Ward agreed not to entertain the Plaintiff's Pre - Trial CPL 210.20 sub 1 A motion on its merits is because def Ward and Barnes was planning with def Scherzer to for ward the video to Scherzer's Court Part(Tap A) since def's Moses Gunasekera, Supervisor and ~~ADA~~ John Doe illegally restored one cou nt of 145.20 and added another count of 145.20 Pursuant to the Vi deo for Trial purposes(Tap A). Def's Ward and Barnes wanted def S cherzer to unconstitutionally compel the plaintiff to be presented in front of her as Ann Scherzer, and, not the Honorable Ann Scher zer presiding over any crimðnal Matter against the plaintiff as re quired by State Law, just a video, consistent with what def Ward

did for 7 months together with Barnes. July 2 2018, def Ward together with Barnes did just that and forwarded indictment #4445-2017 to Trial Part Tap A 'knowing' the plaintiff never got indicted by A Grand Jury to receive indictment # 4445-2017, depriving the plaintiff of the 'Full and Equal benefits of a state Proceeding.

42. July 6 2018, the plaintiff forwarded to the Eastern District of New York, A Writ of Habeas Corpus Pursuant to 28 USCS 2241.

43. Pursuant to the Mailbox Rule and the Certified Mail proof that the plaintiff have in his possession today, July 11 2018, the plaintiff forwarded to the First Department, Appellate Division, an Article 78 Petition against def Ward only (like def Sowah wanted when she stated in her June 18 2018 correspondence that the Appellate Division only have jurisdiction over Judges) compelling def Ward to transfer indictment number 4445-2017 back to her court part 71, and, to dismiss it since she have no other alternative, making that Non-Frivolous, Proper for filing Pursuant to CPLR 2102 c.

44. The reason Def Sowah told def Rojas to unlawfully forward to the plaintiff a correspondence dated July 18 2018, with the plaintiff June 15 2018 Article 78 Petition back to the plaintiff against Def's Ward, Barnes and Sowah asking for Relief against a Supreme Court Judge Pursuant to CPLR 506 B 1, is, because, def Sowah did not want to make it seem Ex Parte if she forwarded the correspondence herself along with the Petition since she is a party to it, plus neither one of them wanted the Judges in the Appellate Division, First Department where they are Clerks at to know the illegal things they were doing with the plaintiff's Article 78 Petitions (Since what they were doing with the plaintiffs Article 78 Petitions illegally is what the Petition is based on) so def Sowah told def Rojas to come up with a big lie and to write the same in her correspondence to the plaintiff, since what def Rojas wrote is contradicted by valid case law and Statutes under the Civil Practice Law and Rules, already forwarded to def Sowah prior and Pursuant to the Mailbox Rule thereby depriving the plaintiff of the 'Full and E

qual benefits of a State Proceeding''. June 15 2018 Petition attached. Correspondence attached, and, one forwarded back attached where the plaintiff wrote on the second page of def Rojas correspondence, and, sent it back to her.

45. The reason def ~~D~~Susanna Molina Rojas totally ignored the plaintiff's first correspondence forwarded to her via Mail, Pursuant to the Mailbox Rule, dated July 25 2018, asking about his July 11 2018 Article 78 Petition is because they(Ward, Barnes, Scherzer, Sowah, Rojas, A.Ortiz)wanted the plaintiff convicted on the video accusation, that is why to the very day of the typing of these words in this complaint, the July 11 2018 Article 78 Petition is not filed Pursuant to CPLR 2102 c thereby depriving the plaintiff of the 'Full and Equal benefits of a state proceeding for security of his person.

46. The reason def's Rojas, Sowah, A.Ortiz, Barnes and Ward did not have a problem with filing the plaintiff's July 18 2018 Article 78 Petition against def Ward only Like def Sowah wanted forwarded Certified Mail to the first department with return receipt requested is because that Writ is not dealing with the plaintiff not being indicted. So everyone was cool with the filing of it. Return date September 20 2018.

47. The reason def Rojas totally ignored the plaintiff's second correspondence to her dated July 26 2018 forwarded via Mail Pursuant to the Mailbox Rule asking about his July 11 2018 Article 78 Petition is because they(Barnes, Ward, Sowah, Rojas, A.Ortiz, Scherzer) wanted the plaintiff convicted on the video accusation, that is why to the very day of the typing of these words in this complaint, the July 11 2018 Article 78 Petition is not filed Pursuant to CPLR 2102 c thereby depriving the plaintiff of the 'Full and Equal benefits of a State Proceeding for security of his person.



48. Aug 2 2018, the Clerks' Office(all of a sudden it is the clerks office and not the Deputy Clerk) of the First Department, Appellate Division, forwarded to the plaintiff a correspondence about his July 19 2018 Article 78 Petition stating that it was calendar ed for September 20 2018. No metion on the July 11 2018 Article 78 Petition and they was both forwarded Certified mail with return reciept requested thereby depriving the plaintiff of the Full and Equal benefits of all the Laws for security of his person.

49. Aug 2 2018, the plaintiff forwarded to the EDNY a motion under rule 15 talking about the two Article 78 Petitions forwarded to t he first department certufied Mail with return reciepts requested sdaying the plaintiff have not heard anything from that department concerning the July 11 2018 one since the July 19 2018 one got fi led. Motion atached.

50.The reason def Rojas completely ignored the plaintiff's third c orrespondence dated Aug 7 2018 forwarded to her via Mail~~2~~ pursuan t to the Mailbox Rule asking about his July 11 2018 Article 78~~2~~ P etitiomn is because they(Ward, Barnes, Scherzer,A.Ortiz, Scherzer Sowah) wanted the plaintiff convicted on the video accusation, tha t is why to this very day of the typing of these words in this co mplaint, the July 11 2018 Article ~~78~~ Petition is not filed Pursua nt to CPLR 2102 c thereby depriving the plaintiff of the 'Full and Equal benefits of A State Proceeding for secüurity of his Perason'.

51. The reason def's Sowah, Rojas, Ward and Barnes completely ign ored the plaintiff's Affidavit dated Aug 9 2018 forwarded to them via Mail Pursuant to the Mailbox Rule and on that same day def Ro jas completely ignored a letter forwarded to her via Mail Pursuan t to the Mailbox Rule is because they(Barnes, Ward, Sowah, A.Orti z, Scherzer, Rojas) wanterd the plaintiff convicted on the video a ccusation, that is why to this very day of the typing of these wo rds in this complaint, the plaintiff's July 11 2018 Article 78 Pet ition is not filed Pursuant to CPLR 2102 c thereby depriving the plaintiff of the 'Full and Equal benefits of a State Proceeding fo r swedurity of his person'''.

52. Since def Donnelly(collectively known as the district Judge Ann.M.Donnelly presiding over the Habeas Corpus Petition 18-cv-04066) inadvertently forwarded the Order to show cause to the United States Attorney along with the actual Petition and attached exhibits. Aug 15 2018, def Donnelly sent an amended Order to Show cause along with the petition and attached exhibits to the Corporation Counsel giving them thirty days to respond. Petition attached.

53. The reason def Sowah and the reason def Rojas completely and totally ignored the plaintiffs Affidavit dated Aug 17 2018 forwarded to them via Mail Pursuant to the Mailbox Rule is because they got tired of the plaintiff asking about his July 11 2018 Article 78 Petition, since they(Barnes, Ward, Scherzer, A.Ortiz, Rojas, Sowah) all wanted the plaintiff convicted on the video accusation that at Moses, Gunasekera, Supervisor and ADA John Doe authorized charging the plaintiff with two counts of 145.20 only and disregarding any other illegal acts the video might show the plaintiff committed prohibited by a Penal Law and Transit Rule, making that the primary reason the plaintiff July 11 2018 Article 78 Petition is not filed today(typing of these words in this complaint)thereby depriving the plaintiff of the 'Full and Equal benefits of a State Proceeding for security of his person. Affidavit attached.

54. Aug 27 2018, in Supreme Court Part Tap A, 100 Centre Street, NY, NY, 10013, the plaintiff met with def Ann Scherzer, and, not the Honorable Ann Scherzer presiding over any criminal matter against the plaintiff as required by State Law, just the video accusation from def Ward, from def's Moses, ADA John Doe, Gunasekera and her Supervisor. See Def ADA John Doe's interest on 9-25-2017 when he read the complaint filed by David and Frazier conflicted with his official duties, since he knew the felony complaint def's David and Frazier commenced was without merit, but, def ADA John Doe together with def Darkeh wanted to file the felony complaint with the district Attorney's office in the County of New York any way to remand the plaintiff because of his past criminal history



(Where a prosecutor faces an actual conflict of interest, and files charges he or she knows to be baseless, the prosecutor is acting outside the scope of his authority and thus lacks immunity. Since A prosecutor who faces a conflict of interest is in a poor position to act impartially as a judge who predetermines a judicial proceeding. BEARD v. UDALL, et al, 648 F.2d 1264.). That day (Aug-27-2018) the plaintiff also met with def Clerk of Court Part Tap A for the first time. That day (8-27-2018) the plaintiff told def Scherzer that he is not indicted and def Scherzer immediately lied to the plaintiff and stated yes you are Mr. Reid and told def Clerk of Court Part Tap A to hand her the indictment, and def Clerk of Court Part Tap A subsequently handed def Scherzer those two papers that Part 71 handed to the plaintiff on 12-4-2017 making believe that was an indictment and the plaintiff was indicted (No immunity extends to clerks of court acting outside the scope of their jurisdiction, as is true for judges. See Bradley v. Fisher, 80 U.S. 335) lying to the plaintiff and the (courtroom must be the ultimate forum of the truth. UNITED STATES OF AMERICA v. SHEILDS, 783 F. Supp. 1052) def Scherzer told the plaintiff that metrocard machine is all he needed to be indicted and prepare a defense to. After continuously arguing with def Scherzer about me not being indicted while def Clerk of Court Part Tap A heard the plaintiff keep saying that he is not indicted (since they both together knew) the plaintiff asked def Scherzer if she can entertain his Pre-trial motion on its merits since Judge Ward (collectively known as def Ward) did n't, and, def Scherzer stated yes, so, subsequently the plaintiff handed to the Court guard his pre-trial motion dated Aug-18-2018 along with his Habeas Petition filed with E.D.N.Y on July 6 2018 and Case Law People v. Nunziata and People v. King and the court guard handed the following to def Scherzer and def Scherzer scheduled a day (10-11-2018) to answer the plaintiff's Motions. That day (8-27-2018) def's Scherzer and Barnes proceeded 'knowingly' together in the clear absence of all jurisdiction just like def's Ward and Barnes wanted, they wanted def Scherzer to preside over the Mass Transit Authority video accusation like def Ward and Barnes did but they wanted def Scherzer to end with trial, thereby depriving the plaintiff of the full and equal benefits of a state proceeding.

55. Pursuant to the Mailbox Rule, Aug 28 2018, the plaintiff forwarded via mail to def's Scherzer and Ward and Affidavit relating to jurisdiction. Affidavit attached.

56. Pursuant to the Mailbox Rule, Aug 31 2018, the plaintiff forwarded via Mail to def's Barnes and Scherzer a Motion with case Law and Statutes that authorize his argument of not being indicted. Motion attached.

57. Pursuant to the Mailbox Rule, Sep 4 2018, the plaintiff forwarded to def Scherzer via mail an affidavit relating to the plaintiff not being indicted. Affidavit attached.

58. Prior to sep 6 2018, def's Donnelly, Pine, Bowe, Scherzer, Ward and Barnes planned and did tell def's Sowah and Rojas to have someone besides Rojas (eventhough she is the clerk of court because she was already involved in illegaslity with the plaintiff) sign for the return receipt for the July 11 2018 Article 78 Petition and forward it to the plaintiff pursuant to the Aug 2 2018 motion under Rule 15 the plaintiff forwarded to 225 Cadman Plaza East Pursuant to 18-cv-04066(A.M.D) because the plaintiff claimed that he did not hear nothing from that department concerning that Writ.

59. Sep 6 2018, the plaintiff received via Mail, the return receipt from def A.Ortiz in the Appellate Division. First Department 50 days later in reference to the July 11 2018 Article 78 Petition that they never filed so why? did she return the receipt, that is how A.Ortiz became a defendant.

60. Pursuant to the Mailbox Rule, Sep 6 2018, the plaintiff forwarded to def's scherzer and A.Ortiz a letter talking about the 50 days later. Letter Attached. That day(9-6-2018) in the same envelope was an affidavit plus the June 20 2018 Article 78 Petition that the plaintiff forwarded to the App Term First Department that def Sowah have not filed yet to this very day of the typing of these words in this complaint, but, the plaintiff told def Scherzer that but he did not say complaint. Affidavit Attached.

61. Oct 11 2018, in Supreme Court Part Tap A, def Scherzer did not answer the plaintiff's Pre-Trial motion in his favor, def Scherzer just told the plaintiff that his motion was denied without a decision and Order(CPL 255.10)as required(When a Judge knows that he lacks jurisdiction, or acts in the face of clearly valid statute or case Law(Aug 31 2018 motion)expressly depriving him of jurisdiction, Judicial immunity is lost 'when the want of jurisdiction is known to the Judge, no excuse is permissible. See Bradley v Fisher, 80 U.S. 335). See the reason def's Barnes and Scherzer did not give a written Decision and Order is because they would have had to do what def's Barnes and Ward did in their decision and Order, or dismiss the video accusation. That day(10-11-2018)def Scherzer told the Court Guards not to put the cuffs in the front of Plaintiff, and, def Scherzer told the Court Guards that because def Scherzer did not want the plaintiff handing case Law to the Court Guards to hand to her like the plaintiff did on Aug 27 2018(Nunziata, King)def Scherzer only wanted to hear from def Barnes as planned by Scherzer and Barnes(Judges Prosecutorial acts were Non judicial;no immunity for such acts. Lopez v Vander Water, 620 F. 2d 1229). Since def Scherzer already knew that the plaintiff was going to come inside of Tap A and talk about him not being indicted and not having a Grand Jury indictment to prepare a defense to, that day(10-11-2018)prior to entering Tap A, def Scherzer in front of def's Barnes and Clerk of Court Part Tap A told def Thimbrel not to type in anything the plaintiff say about him not being indicted(because everytime the plaintiff stated something about him not being indicted, the plaintiff looked at def Thimbrel and she was not typing). That day(10-11-2018)def Scherzer told the plaintiff 'that is why you need an Attorney Mr.Reid(because the plaintiff kept on repeating orally and written what am I going to prepare a defense to?)so def Scherzer hired an Attorney that day(10-11-2018)so her attorney can show the plaintiff the video accusation so the plaintiff can prepare a defense to it and def's Scherzer and Barnes can immediately take the plaintiff to an illegal Trial. That day(10-11-2018)def Scherzer set a date(10-12-2018)so the plaintiff can meet with her attorney to show the plaintiff the video accusation. Since def's Ward and Barnes passed the TORCH off to def's Scherzer and Barnes, def Scherzer is having her RUN with unconstitutionally compelling the plaintiff to be presented in front of her as Ann Scherzer

and not the Honorable Ann Scherzer presiding over any Criminal Matter against the plaintiff as required by State Law and the State Consdtitution, just the video accusation instituted by def's Mose s, ADA John Doe, Gunasekera, and her Supervisor, and, def Scherze r is with Nicholas Barnes and not the ADA Nicholas Barnes a Quasi Judicial Officer with the requisite Authority to prosecute the pl antiff, and, they a team, consistent with when Nicholas Barnes an d L:aura.A.Ward was a team, but consolidating them as a big team for Trial purposes.(Tap A)(...

62. Oct-12-2018, In Supreme Court Part Tap A, the plaintiff met wi th def Michael Jaccarino, the Attorney def Scherzer hired to show the plaintiff the video accusation so the plaintiff can have someth ing to prepare a defense to for thier(Barnes, Scherzer)illegal Tr ial, since the plaintiff kept on repeating saying 'what am I going to prepare a defense to?. Def Jaccarino was also instructed by de f's Scherzer and Barnes not to assist in any of the plaintiff meri ted contentions. That day(10-12-2018)def Scherzer scheduled a day (10-17-2018)for her Attorney to show the plaintiff the video accus ation only and, def's Scherzer and Barnes did not want nothing el se to take place that day(10-17-2018)so they illegal Trial can ta ke place subsequently.

63. 57 days later(Aug 15 2018 to Oct 12 2018)still no response fr om the Law Department nor def Donnelly regarding the plaintiff's 2 241 Habeas Corpus Petition Pursuant to 18 cv 4066 AMD, and the re ason is because def Donnelly persuaded def Cyrus. R. Vance Jr not to hire a Licensed Attorney to defend the State. Defg Donnelly pe rsuaded def Vance Jr because def Donnelly was waiting for def's S cherzer and Barnes to invoke thier illegal Trial against the plan tiff and after he gets illegally convicted his Pre-Trial Petition can become Moot(whic is not an act normally performed by a judge not to want to adjudicate and not intimately associated with the Judicial process to not defend the State)def Vance agreed not to defend the State. Oct 12 2018, the plaintiff wrote def Donnelly a Letter, three parts underlined relevant to this complaint #1 No o ne answered the Order to show cause so I should be getting discha rged. #2 And I feel like you are waiting for the State Courts to take me to Trial holding out on the petition. #3 And I am sti

ll looking for cases that talk about sending the Order to Show Cause to the Corporation Counsel.

64. Oct-17-2018, in 100 Centre Street, the plaintiff met with def Michael Jaccarino, one year exactly from the day(10-17-2017)the plaintiff met with his defense Attorney before CPL 170.20, Yosha Gunasekera and her Supervisor. That day(10-17-2017)was the illegal granting of CPL 170.20's application, the reason the plaintiff is in Tap A today(today means the writing of these words in this complaint). That day(10-17-2018)def Jaccarino came to show the plaintiff the video accusatiop only and not to discuss any of the plaintiff's merited contentions, such as but not limited to the plaintiff never got indicted. That day(10-17-2018)def Jaccarino came to refuse anything from the plaintiff(the plaintiff had to force def Jaccarino to take his motions the plaintiff filed with def's Ward, Scherzer and Barnes). That day(10-17-2018)def Jaccarino told the plaintiff after the plaintiff refused to watch only the video, that he saw in the video the plaintiff swipe two People thru a turnstile and accept payment for the swipes. The plaintiff subsequently told def JaccARINO that if you saw that, then the Grand Jury saw that on 11-20-2017, and, if the Grand Jury saw me committing a crime, why? didn't they indict me on that crime to go with the felonies as Joinable offenses(EL 145.20, CPL 200.20)and if the prosecutions theory is that I damage the machines so I can put people thru the service gate or turnstile for payment' why? would the Grand Jury let me get away with that crime(165.16,1050.4c)that is clearly shown in the video the prosecutor(ADA John Doe)used. Also sir(Jaccarino)why? today(10-17-2018) I am not being charged with NYPL 165.16 or Transit Rule 1050.4 c if 165.16 is the charge that brought me to jail from Madison and Rutgers Streets on 9-25-2017 and 165.16 and 1050.4c cannot turn into one nor two counts of 145.20, they are substantive crimes, you know why sir(Jaccarino)because on 11-20-2017 no Grand Jury indicted me period because of what I told them about CPL 170.20 and you and the Judge(Scherzer) and the prosecutor(Barnes) are making -believe I am indicted. Def Jaccarino just walked out with the plaintiff's motions and the letter that the plaintiff had to force def Jaccarino to take and look over.



(42 USCS 1983, unlike 42 USCS 1981 and 1982, requires that the action for which redress is sought be under 'color' of state Law. The clause deprivation, under color of any state Law 'may also mean deprivation, under color of any state Constitution. GANNON v. ACTION, 303 F. Supp. 1240). That day(10-17-2018) in Tap A, def Scherzer asked the plaintiff did he watch the video his(her) attorney came to show him, the plaintiff stated no, and def Scherzer was so upset with the situation that she just unconstitutionally set another illegal court appearance for 11-8-2018. That day(10-17-2018) the plaintiff told def Jaccarino that he was putting together a Civil Rights Complaint and showed def Jaccarino the parts the plaintiff put together so far and def Jaccarino went and told def Scherzer because def Scherzer asked the plaintiff was he planning on suing his(her) attorney. That day(10-17-2018) def's Scherzer and Barnes continued together to proceed over the video Accusation forwarded to Tap A from def Ward from def's Moses and ADA John Doe the def's that authorized the video Accusation along with def's Gunasekera and her Supervisor to only charge the plaintiff with two counts of Tampering and to disregard anything else illegal the video might show the plaintiff committing prohibited by a Penal Law and Transit Rule thereby depriving the plaintiff of the 'Full and Equal benefits of a State Proceeding for security of his person'.

65. Oct - 20 - 2018, the plaintiff forwarded an affidavit to def's Scherzer, Ward, Barnes and Jaccarino to be rebutted before or on 11-8-2018. Sometime after that affidavit, def's Barnes and Jaccarino left Indictment Number 4445-2017, even though the plaintiff did not get indicted by a Grand Jury to receive Indictment number 4445-2017 by them. (A Fed. R. Civ. P(b)(6) motion to dismiss hinges on a claim's 'legal sufficiency'. In considering the motion, the court must examine the factual allegations of the complaint, including exhibits to the complaint and documents or statements incorporated in it by reference. For purposes of the motion, the factual pleadings in the complaint are deemed true and all reasonable inferences are drawn in plaintiff's favor. ROMER v. MORGENTHAU, 119 F. Supp. 2d 346; UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK.)



66. Eventhough, Johnathan Pine and Martin Bowe were not Attorney of record for Cyrus. R. Vance Jr in 18 cv 4066 AMD, def Donnelly was so motivated by the plaintiff Oct 12 2018 letter to her, def Donnelly decided anyway to tell def's Pine and Bowe to write her requesting an adjournment in 18 cv 4066 AMD, and, just so def Donnelly can do the following on Oct 30 2018, then def Vance Jr can tell Def Eleanor Ostrow to do the Following on Oct 31 2018, in order for def Ostrow to do the following on Nov 13 2018 for def Vance.

Oct 28 2018, the plaintiff recieved via mail, a request for an adjournment dated Oct 25 2018 from def's Pine and Bowe, acting in concert with def's Donnelly, Vance and Ostrow, and they was helping def's Sowah, Rojas, A.Ortiz, Ward, Barnes, Scherzer and the Clerk of Court Part Tap A keep the plaintiff incarcerated outside the bounds of the Duer Process Caluse of the Fourteenth Amendment of the U.S. Constitution.(Sowah, Rojas and A.Ortiz knew of the plaintiff's unconstitutional detention from all of the Article 78's forwarded to 27 Madison Avenue, the same Article 78's they used to bar the plaintiff from litigating meritorious issues in 27 Madison Avenue. Since from the knowledge of Law they have and the Article 78's they have read written by the plaintiff, they wanted the plaintiff convicted on the video accusation.)

68. Oct 30 2018, def Donnelly granted def's Pine AND Bopwe's adjournment up until Nov 16 2018, but the adjournment was not actually for def's Pine and Bowe, the adjournment was for def Vance Jr.

69. Oct 31 2018, the plaintiff recieved via mail, an Appearance of Counsel on the record from def Eleanor Ostrow dated Oct 31 2018, Pursuant to existing Rule 83.1 A, 3A, 77 days after def Ostrow was required to do so(eventhough it was 77 days later, def Vance told def Ostrow to do it anyway due to that Oct 12 2018 letter to def Donnelly)the reason def's Pine and Bowe could not have filed a response anyway because they did not enter an Appearance to be Counsel on the record for Cyrus. R. Vance Jr, making they request a nullity, because(The Courts can know no Counsel in a cause, except those who regularly appear as such on the record. Bacon v. Hart, 17 LED 52)

70. Nov 8 2018, prior to entering Supreme Court Part Tap A, the plaintiff met with def Adam Silverstien for the first time while the plaintiff was in bullpens. Def Silverstien was the second Attorney hired by def Scherzer to take the plaintiff straight to Trial and was told by def's Scherzer and ADA John Doe for #4445-2017 not to assist in any of the plaintiff merited contentions. Def Silverstien got hired sometime between Oct 17 2018 and Nov 8 2018, but right after def Jaccarino unconstitutionally left the plaintiff without ever doing any motions for him. Def Jaccarino left with def Silverstien the motions the plaintiff had to force def Jaccarino to take on Oct 17 2018 to look them over, because that day(11-8-2018) while the plaintiff was in Bullpens, def Silverstien immediately told the plaintiff 'I do not think that you are going anywhere with challenging that indictment' I looked at the motions. (Even though from the files def Silverstien received from def Jaccarino, he knew the plaintiff had not get indicted, he still felt that way because of def Scherzer and ADA John Doe for #4445-17). That day(11-8-2018) in Supreme Court Part Tap A, the plaintiff met with def ADA John Doe for #4445-17 for the first time, and from the files he received from def Barnes, he knew the plaintiff never got indicted on 11-20-2017. That day(11-8-2018) def Scherzer set an illegal Trial date for 12-13-2018, and knowing the plaintiff response for def Ostrow's return is due 12-14-2018. After def Scherzer stole that illegal Trial date, her and def ADA John Doe for #4445-17 together 'knowingly' proceeded over the video accusation making believe that that is a Grand Jury indictment required by State Law to prosecute with and preside over thereby depriving the plaintiff of the 'Full and Equal benefits of all Laws'.

71. 93 days later(Nov 16 2018), the plaintiff received via mail an illegal response from def Eleanor Ostrow dated Nov 13 2018, and def Ostrow's response was on behalf of Cyrus. R. Vance Jr to the plaintiff's Pre-Trial Petition Pursuant to 28 USCS 2241 that got filed with the E.D.N.Y. on July 6 2018. In the preamble of def Ostrow's response, def Ostrow 'intentionally' lied in relevant part to this complaint by saying 'As agreed to by the City of New York Law Department' I will be Counsel on record for the respondent War den.

The reason def Ostrow 'Intentionally' lied is because she was covering for def's Donnelly and Vance Jr, because def Ostrow knew that def Vance Jr agreed with def Donnelly not to hire an Attorney for him in Proceeding 18 cv 4066 AMD on Aug 16 2018 because def Ostrow knew that def Donnelly told def Vance Jr that she had no plans on actually adjudicating the Petition the plaintiff filed on July 6 2018 with EDNY, she was letting it become Moot until the Oct 12 2018 letter from the plaintiff to her came about, and, that is how def Ostrow's lie came about in her 93 day later response for def Vance Jr for the plaintiff's Pre-Trial Petition. Def Cyrus. R. Vance Jr, aided and abetted def Donnelly to interfere with the plaintiff's Rights implicit in the concept of ordered Liberty, since not wanting to hire an Attorney to settle judicially a claim against him so it won't get settled is without authorization and brought def Vance Jr outside the scope of his official duties, since def Vance Jr do not get paid to use his office for conspiracies, and, not wanting to settle a claim against him Judicially have nothing to do with the Judicial process. (Establishing Joint liability means that: 'all those who, in pursuance of a common plan to commit an act which is tortious, actively take part in it, or further it by cooperation or request, or lend aid or encouragement, or ratify and adopt the acts done, are equally liable as the person who performs the tortious act itself' Piccoli A/S v. Calvin Klein Jeanswear Co., 19 F. Supp. 2d 157 S. D. N. Y. 1998).)

72. Dec 13 2018, prior to entering Supreme Court Part Tap A, while inside of bullpens, the plaintiff met with def Silverstien, the Attorney def Scherzer hired to only take the plaintiff to Trial, and that day(12-13-2018) def Silverstien told the plaintiff to take a plea deal to a 2-4 year sentence because def Silverstien stated to the plaintiff that it was going to be hard to appeal his conviction(Trial conviction). That day(12-13-2018) def's Scherzer and ADA John Doe for #4445-2017 continued to proceed with and over the video accusation by unconstitutionally setting another court appearance(1-7-2018) and def Silverstien permitted what def's Scherzer and ADA John Doe for #4445-2017 was doing to his client(plaintiff)(prosecuting his client without an indictment).

Substantial Constitutional Question directly involved in 18 cv 40 66AMD relevant to this complaint for def's Ostrow, Donnelly, Pine ,Bowe and VANCE JR.

Donnelly, if def Ostrow legally by the rules of the court and the Fed. R. Civ. Procedure's relieved def's Pine and Bowe of all duties owed to def Vance Jr in 18 cv 4066AMD, when def Ostrow stated in the preamble of her 93 day later response to 18 cv 4066 AMD 'As agreed to by the City of New York Law Department' I will be counsel on record for the respondent Warden. Why? when you def Donnelly denied the plaintiff's request for an evidentiary hearing and motion for default judgement and sanctions, you def Donnelly forwarded the denial to def's Pine and Ostrow, if def Pine and Bowe is no longer involved in 18 cv 4066AMD because def Ostrow relieved them, but, def Donnelly, you did not send the denial to def Bowe and Bowe was the person who may have information about this matter and will be back from vacation on Friday (Nov 2 2018) and they (Pine and Bowe) needed time to review the matter and file a response on behalf of respondent Warden Matthews???

Substantial Constitutional Question directly involved in 18 cv 40 66AMD relevant to this complaint for def's Vance Jr and Donnelly.

Def Vance Jr, if you are a Corporation, meaning you could not appear Pro-Se and defend the State in 18 cv 4066 AMD, so you was obligated to hire a licensed Attorney to defend the allegations in 18 cv 4066AMD, the plaintiff made against the State, why? did you agree not to hire a Licensed Attorney with def Donnelly if that is a Prosecutorial obligation to advocate for the State, and you chose not to until that Oct 12 2018 letter to def Donnelly, why?

A District Attorney who acts beyond the scope of his Authority, using his office in pursuit of a conspiracy to accomplish an unlawful purpose, should not be immune. ROUSSELLE v. PEREZ, 293 F. Supp .298. Thus, if immunities are broadly granted to State officers without consideration of the nature of their alleged misdeeds and the reason for the immunity, the Statue(1983) becomes subject to circumvention, if not emasculation. ROUSSELLE v. PEREZ, 293 F. Supp 298.

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# United States District Court

Eastern District of New York

18 Civ. 4066 (AMD)

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**CORY REID,**

*Petitioner,*

*- against -*

**WARDEN MATTHEWS,**

*Respondent.*

---

## ANSWER OPPOSING PETITION FOR A WRIT OF HABEAS CORPUS

---

\*CYRUS R. VANCE, JR.

District Attorney  
New York County

\*Attorney for Respondent

One Hogan Place  
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By: Eleanor J. Ostrow  
EO-9550  
Attorney of Record

ELEANOR J. OSTROW  
\*ASSISTANT DISTRICT ATTORNEY  
\*Of Counsel

November 13, 2018

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# United States District Court

Eastern District of New York

18 Civ. 4066 (AMD)

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**CORY REID,**

*Petitioner,*

*- against -*

**WARDEN MATTHEWS,**

*Respondent.*

---

**MEMORANDUM OF LAW  
IN SUPPORT OF ANSWER OPPOSING PETITION  
FOR A WRIT OF HABEAS CORPUS**

---

\* **CYRUS R. VANCE, JR.**

District Attorney  
New York County

\* **Attorney for Respondent**

One Hogan Place  
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EO-9550

Attorney of Record

ELEANOR J. OSTROW

\* **ASSISTANT DISTRICT ATTORNEY**

\* *Of Counsel*

November 13, 2018

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In sum, the petition should be dismissed and denied. First and foremost, the *Younger* abstention doctrine bars federal review of petitioner's claims. Moreover, petitioner has offered no coherent support for his claims, and his own addendum to his petition, as well as the record of the state criminal case, refute his claims.

CONCLUSION

For the foregoing reasons, the petition should be dismissed and the writ of habeas corpus should be denied.

Dated: New York, New York  
November 13, 2018

\* Respectfully submitted,

\* CYRUS R. VANCE, JR.

District Attorney, New York County

\* Counsel for Respondent

One Hogan Place

New York, New York 10013

(212) 335-9000

BY: /s/

Eleanor J. Ostrow (EO-9550)

\* Assistant District Attorney

\* Of Counsel

ostrowe@dany.nyc.gov

Exhibit E Letter from Appellate Division Clerk's Office to petitioner

Exhibit F Responses by the New York District Attorney's Office  
to two of petitioners applications to the Appellate Division,  
Second Department.

WHEREFORE, it is respectfully requested that the writ of habeas corpus  
be dismissed and denied, without an evidentiary hearing.

I declare under the penalty of perjury under the law of the United States of  
America, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct to  
the best of my knowledge.

Dated: New York, New York  
November 13, 2018

\*Respectfully submitted,

\*CYRUS R. VANCE, JR.  
District Attorney, New York County  
\*Counsel for Respondent  
One Hogan Place  
New York, New York 10013  
(212) 335-9000

BY: \_\_\_\_\_/s/  
Eleanor J. Ostrow (EO-9550)  
\*Assistant District Attorney  
\*Of Counsel  
ostrowe@dany.nyc.gov

***Civil Procedure > Remedies > Damages > General Overview***

***Civil Rights Law > Section 1983 Actions > Elements > Protected Rights***

Where a plaintiff was indisputably deprived of his liberty, and the conduct of the defendant responsible for the deprivation was found to be unlawful, the plaintiff is entitled to compensatory, not merely nominal, damages.

***Torts > Intentional Torts > False Imprisonment > General Overview***

***Torts > Damages > General Overview***

***Civil Procedure > Remedies > Damages > General Overview***

***Civil Procedure > Remedies > Damages > Special Damages***

***Torts > Damages > Compensatory Damages > General Overview***

KERMAN v. CITY OF NEW YORK, 374 f.3d 93; UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT.

Compensatory Damages.

Black's Law definition of Pain and Suffering : Physical discomfort and emotional distress.

Past Physical discomfort : The plaintiff was assaulted by the arresting officers, Transporting officers, and M.D's at Bellvue Hospital emergency room, suffering neck pain, back pain, and pain under his under arms.

Past Emotional Distress : The plaintiff had to repeatedly tell his attorney Gunasekera about it being no device at East Broadway where a person can see thru and she never listened to her client. The plaintiff had to endure that. The plaintiff had to keep on telling both Trial Judges orally and written that he is not indicted and they both never listened. The plaintiff had to endure that. The plaintiff had to keep constantly writing letters and affidavits to the Clerks at the App Term, First Department(all three) about his Article 78's, hoping that they will file them. The plaintiff had to endure that because they never listened. The plaintiff had to keep on arguing that CPL 170.20 did not apply to his case(after the illegal granting of CPL 170.20) and nobody listened. The plaintiff had to endure that. The plaintiff kept on sending letters and affidavits complaining about his Federal Habeas Corpus filed with the EDNY.

Future emotional Distress : The plaintiff will never be able to trust doctors anymore due to what the M.D's did to the plaintiff at Bellvue Hospital on 9-25-2017. Up until 2017NY050276 and 4445-2017, the plaintiff trusted Police Officers, Prosecuting Attorneys, Defense Attorneys, Judges(except def Ward; see 3709/13) and Clerks, and now, if the plaintiff gets arrested again, he does not know if he will be able to trust his Attorney, trust the Prosecuting Attorney, trust the Judge, because, even though the plaintiff was a career criminal and might still be one(who knows the future) every single time the plaintiff gets arrested, the aforementioned officials must always abide by the State Laws and the Constitution(both).

Eventhough the plaintiff have a lenthly past rapsheet, the plaintiff also have a lenthly past work history. In and out of Jail concurrently in and out of Jobs.

Plaintiff's Past lenthly work history.

From 14yrs of age to 17yrs of age, the plaintiff worked for winter and Summer youth in Hnery Street Settlement located on the lower east side. Henry Street.

At the age of 18, the plaintiff moved to Norfolk Virginia, and worked at J.D. Miles and Son, a roofing Company. Also worked at Labor ready in Virginia, and a Private landscaping Company making \$7.25 an hour in 1998.

At the age of 19yrs and a half, the plaintiff was back in New York working in A express for Kirby and qwendalin Silver located at 60 west 39th Street.

At the age of 20, the plaintiff worked at Canal Jeans, a retail store, located at 504 Broadway. Then Duane Reade located at 23rd Street and Park Avenue. Then C.D.L located at 500 5th Avenue. Then V ELOCity located at 829 3rd Avenue. Then the plaintiff worked for a Temp agency called Active located at 33rd Street between 5th and 6 avenue's where there the dispatched Vincent always dispatched the plaintiff to the YMCA located at 92nd Street and Lexington Avenue. Then from there the plaintiff moved to Troy, New York, where he worked at Quadgraphics located in Saratoga Springs New York, also worked for a garbage Company in Albany New York. Then the plaintiff moved back to the City of New York and worked in Long Island City Queens in a telemarketing Company called OPinion Access. Then another telemarketing Company called UniversAL Surveys located at 40th Street between 7th and 8th avenue's in Manhattan. Then A.M. New York newspaper located at 37th Street and 8th Avenue which relocated to 33rd and Rawson in Long Island City Queens.

After being unlawfully detained by def Ward in 3709/2013 for 23 months and 17 days (Aug 13 2018 to July 15 2015), the plaintiff was released on his own recognizance that day (July 15 2015), the very next day the plaintiff was approached by a female that he knew from his past, and she also had a criminal history, but became a manager at a retail store in Times Square, Manhattan (hiring manager) and she offered the plaintiff a job there doing stock work, the plaintiff told her that he was R.O. Red on Criminal Charges at the time, and then she asked for what charges, and the plaintiff told her Sodomy and Sexual Abuse in the first degree, and she told the plaintiff if it were any other charges I would have worked around them but I have a Boss and even though I know that you will never commit a crime like that (sex offense) I can't hire you right now, so come back once those charges get fully dismissed. Subsequently the plaintiff got arrested again and then again and just think, since no one never knows what the future will hold, if def Ward would have dismissed those compelled self-incrimination charges (the plaintiff was charged with one count of NYPL 130.50 mouth to vulva because I told the district Attorney that the girl allowed me to kiss below her belly button. And I was charged with two counts of NYPL 130.65 Sexual Abuse, because I told the district Attorney that the girl allowed me to feel on her body two times) on July 15 2015 like the Constitution actually required on 9-30-2013, the plaintiff would have taken that stock position, and who knows if he would have ever gotten arrested again. The plaintiff plans for the future is to seek employment in retail.



c Claim on which Relief should be Granted

For the Arresting Officers using excessive force to detain the plaintiff because they precint knew him, and, the M.D's at the Hospital helped. Then the Arraignment Judge and Prosecutor together in Criminal Court with asWholly fabricated, Non-Criminal Complaint remanded him only because he is Black with priors in the same Tráá nstation. Then, the Trial Judge 'Knowingly' without Trial Jurisdiction insisted that the Prosecutor prosecute him on that Wholly fabricated, Non-Criminal Complaint, while the plaintiff's defense Attorney before CPL 170.20 and her Supervisor provided assistance to the prosecutor and Trial Judge to retaliate against him. Then both Trial Judges and Ptrosecutors together as separate teams intended to proceed without State Law Approval. Then 'Knowingly' proceeded without State Law Approval to become one big team for Trial Purposes, while the Clerks denied him Access-to-the-Courts for Non-frivolous motions against the former team contrary to 1981 sub A protected by sub C, and Inspector General for the UCS okayed the denial's. Then both defense Attorneys after CPL 170.20 was instructed by the big team not to assist in any of the plaintiff's merited contentions and did just that and neglected to assist in the plaintiff's immediate release, while the stenographer was told not to type in anything the plaintiff say concurrent with the District Judge suspending the plaintiff Writ by persuading the District Attorney not to advocate for the State is unconstitutional. Fed .R. Civ. P. 8(A)(2)(3), (D)(3), (E)..

Generally, proof of proper mailing gives rise to a presumption that the item was received by the addressee. The presumption may be created by either proof of actual mailing or proof of a standard office practice or procedure designed to ensure that items are properly addressed and mailed. Residential Holding Corp. v. Scottsdale Ins. Co, 286 AD2D 679; SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION, FIRST DEPARTMENT.

The plaintiff holds that, the defendants have to submit proof sufficient to rebut the presumption, to negate that none of the Petitions, Affidavits, Letters or Article 78's were ever actually mailed by the plaintiff Pursuant to the Mailbox Rule to any of the defendants such as but not limited to Ward, Scherzer, Barnes, Rojas, Silverstien, Sowah, A.Ortiz, Jaccarino, ADA John Doe for #4445-2017,, Clerk of Court Part Tap A, Donnelly, Pine, Bowe, Ostrow, Vance Jr.

## **Dismissal of complaint**

### ***L Ed Digest: Pleading § 103***

11. When a complaint adequately states a claim, it may not be dismissed based on a district court's assessment that the plaintiff will fail to find evidentiary support for his allegations or prove his claim to the satisfaction of the factfinder. (Souter, J., joined by Roberts, Ch. J., and Scalia, Kennedy, Thomas, Breyer, and Alito, JJ.)

*Atlantic Corp v. Twombly, 550 U.S. 544*

**TERM:** clear proof.

**TEXT:** That which may be seen; that which is discernible; that which may be appreciated and understood. In such sense, it may not really mean any more than a fair preponderance. It may, however, under emphasis, convey the idea of certainty, and it probably would to the common mind.

Page 1 of 1

**Generally, a civil plaintiff must prove his affirmative case by no more than a preponderance of the evidence. Ordinarily this is true even where a criminal act is charged as part of a civil case. 425 F.2d at 1120 (citations omitted). Having said that, the court of appeals continued:**

The integrity of the Courtroom is so vital to the health of our legal system that no violation of that integrity, no matter what its motivation, can be condoned or ignored. UNITED STATES OF AMERICA v. SHIELDS, 783 F. Supp. 1052.

Lawyers who cause or permit lies to be told to Judges are guilty of conduct which tends to defeat the administration of Justice, regardless of the motive of the lawyer and regardless of the immediate impact of the lie. UNITED STATES OF AMERICA v. SHIELDS, 783 F. Supp. 1052.

It was the Court's prerogative to know of this little courtroom drama in advance and to pass upon its propriety. UNITED STATES v. SHIELDS, 783 F. Supp. 1052.

The Court must remain the ultimate forum of the truth. UNITED STATES v. SHIELDS, 783 F. Supp. 1052.



A requirement of Article III of the United States Constitution is that A plaintiff who seeks to invoke Judicial Power stands to prof it in some personal interest. ALLEN v. WRIGHT, 462 US 737.

***Constitutional Law > Bill of Rights > Fundamental Rights > Procedural Due Process > Scope of Protection***

***Criminal Law & Procedure > Trials > Defendant's Rights > Right to Fair Trial***

***Civil Rights Law > Section 1983 Actions***

The U.S. Court of Appeals for the Second Circuit has recognized a constitutional right not to be deprived of liberty as a result of the fabrication of evidence by a government officer acting in an investigatory capacity that is cognizable under the Fifth Amendment and 42 U.S.C.S. § 1983. A defendant has a cognizable right to a fair trial, and may sue for damages under 42 U.S.C.S. § 1983 for Brady violations that lead to a distorted evidentiary record being presented to the jury.

***Civil Rights Law > Section 1983 Actions***

***Constitutional Law > Bill of Rights > Fundamental Rights***

***Governments > Legislation > Statutory Remedies & Rights***

ZAHREY v. COFFEY, 221 F.3d 342; UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT.

***Civil Procedure > Remedies > Damages > General Overview******Civil Rights Law > Section 1983 Actions > Elements > Protected Rights***

Where the jury has found a constitutional violation and there is no genuine dispute that the violation resulted in some injury to the plaintiff, the plaintiff is entitled to an award of compensatory damages as a matter of law.

***Civil Procedure > Remedies > Damages > General Overview******Civil Rights Law > Section 1983 Actions > Elements > Protected Rights***

KERMAN v. CITY OF NEW YORK, 374 f.3d 93; UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT.

***Rookard v. Health & Hosps. Corp.*, 710 F.2d 41, 45 (2d Cir. 1983); see also *Familias Unidas v. Briscoe*, 619 F.2d 391, 404 (5th Cir. 1980) (actions of a state judge holding "absolute sway" over certain decisions can be attributed to the municipality under § 1983); *Williams v. City of Valdosta*, 689 F.2d 964, 969 (11th Cir. 1982). For the purpose of affixing liability on a municipality, it is irrelevant that the decisionmaker enjoys personal immunity for the behavior under attack. The Supreme Court, in *Owen v. City of Independence*, *supra* note 224, ruled that a municipality could not escape liability under § 1983 by invoking the good-faith immunity of its officers. 445 U.S. at 651-654, 100 S. Ct. at 1415-1417, 63 L. Ed. 2d at 693-695. In fact, the personal immunity accorded to city officials militates in favor of municipal liability, since a contrary ruling would leave victims of unconstitutional conduct without any remedy, *id.* at 651, 100 S. Ct. at 1413, 63 L. Ed. 2d at 693, and city officials without incentive to abide by the Constitution, *id.* at 652, 100 S. Ct. at 1416, 63 L. Ed. 2d at 694. See also *Bennett v. City of Slidell*, 728 F.2d 762, 766 (5th Cir.), *petition for reh'g denied*, 735 F.2d 861 (5th Cir. 1984) (per curiam). The municipality may also face § 1983 liability for the conduct of officials who enjoy absolute personal immunity. E.g., *Familias Unidas v. Briscoe*, *supra* (municipality may be held liable for conduct of a judge). We believe the same principles apply to render the good faith or absolute immunity of involved officials irrelevant to the determination of municipal liability under *Bivens*.**

Requested Relief.

First Cause of Action

Right to Fair Trial claim against the City of New York Pursuant to 42 USCS 1983.

Defendants Darkeh and Herbert Moses had 'Absolute Sway' over the decision to dismiss the Felony turn Misdemeanor complaint charging the plaintiff with NYPL's 145.20 D felony, 145.05 sub 2 E felony 165.16 B misdemeanor and 1050.6 B 2 violation of Transit Rule-reduced to NYPL 's 145.15 A misdemeanor, 145.00 sub 1 A misdemeanor, and two violations of Transit Rules-1050.4(c), 1050.6 B2, when they both read that def Simon was watching thru videosurveillance, and, there is no device in any trainstation where you can look at the stations while you on duty bthere and threre was no money, metrocards nor video in evidence at the local court arraignment as required to arrest and remand and to corroborater the allegations andf that was the proximate cause of the plaintiff's constitutional injuries that caused this action to commence.

Plaintiff request an amount this court deems just and proper against the City of New York.

Second Cause of action.

Substantive Due Process Claim against the City of New York Pursuant to 42 USCS 1983.

Defendsant Laura.A.Ward had 'Absolute Sway' over the decision to entertain the plaintiff's subsection's A and H part of his Pre-trial motion on its merits as required by Law, and, since def Ward did not, that 'schocked the Conscience' and proximately caused this action to commence.

Plaintiff request and amount this court deems just and proper against the City of New York.

Third Cause of Action.

Excessive Force claim against the City of New York Pursuant to 42 USCS 1983.

The Fourth Amendment confers a Right to be free from excessive force during an arrest, and, the City of New York, and, the New York City Police Department went by a policy, Practice or Custom of just allowing their officers to ignore that Right while making arrest on Blacks, and that was the proximate cause of the plaintiff's Constitutional injuries that caused this action to commence.

Plaintiff request an amount of \$1,000,000.00 against the City of New York Pursuant to 1983, and reasonable Attorney fees.

Fourth Cause of Action.

Failure to Intervene Claim against the City of New York Pursuant to 42 USCS 1983.

The City of New York and the New York City Police Department acted with a deliberate indifference to the plaintiff Rights secured by the Fourteenth Amendment of the U.S. Const by failing to train their officers on how to intervene when black's suspects under arrest for alleged crimes rights are being violated by other officers in their presence and that was the proximate cause of the plaintiff's constitutional injuries that caused this action to commence.

Plaintiff request an amount of \$1,000,000.00 against the City of New York Pursuant to 42 USCS 1983, and reasonable Attorney fees.

Fifth Cause of Action.

Fourteenth Amendment Right to Privacy Claim against the City of New York Pursuant to 42 USCS 1983.

The City of New York and the New York City Police Department went by a policy, pattern and practice of just permitting their officers to target African-Americans to conduct illegal stops and detentions of them to see if they are suspects just because they are African-Americans and that was the proximate cause of the plaintiff constitutional injuries that caused this action to commence.

Plaintiff request an amount of \$1,000,000.00 against the City of New York Pursuant to 1983, and reasonable Attorney fees.

Six Cause of Action.

Right to Fair Trial Claim against the City of New York Pursuant to 42 USCS 1983 under the Fourteenth AMENDMENT.

The City of New York and the District Attorney's Office evinced a pattern of ignoring Law enforcement improprieties and misconduct and failed to train and supervise assistant district Attorneys regarding other legal obligations such as correcting the results of known false evidence that invoke fair Trial guarantees and that was the proximate cause of the plaintiff constitutional injuries that caused this action to commence.

Plaintiff request an amount of \$1,000,000.00 against the City of New York Pursuant to 42 USCS 1983 and reasonable Attorney fees.



Seventh Cause of Action.

Access-to-the-Courts Claim against Def A.Ortiz Pursuant to 42 USC s 1983 in his or her individual capacity.

Def A.Ortiz signed for the plaintiff's July-11-2018 Article 78 Petition, certified Mail return receipt on July 16 2018, but never filed nor caused it to get filed to this very day of the typing of these words in this cause of action and that was the proximate cause of the plaintiff constitutional injuries that caused this action to commence.

Plaintiff request an amount this court deems Just and Proper against def A.Ortiz for Compensatory, Punitive and nominal damages Pursuant to 1983, and reasonable Attorney fees.

Eight Cause of Action.

Access-to-the-courts Claim against Def Margaret Sowah in her individual capacity Pursuant to 42 USCS 1983.

While having no Right to do so, nor any Civil Practice Law and Rule to believe she had(CPLR 2102 c)and for a purpose other than a desire to see the ends of Justice served, def Sowah Purposely did not commence two of the plaintiff's April 3 2018 Article 78's Petitions three(3) times(April 3, May 9, June 22)and the one with def Simon One time. His April 12 2018 Article 78 Petition one time, his April 19 2018 Petition two(2) times(April 19, June 22) and his motion for default Judgement dated May 15 2018 one time and that was the proximate cause of the plaintiff constitutional injuries that caused this action to commence.

Plaintiff request an amount this court deems just and proper against def Sowah for Compensatory, Punitive and nominal damages Pursuant to 1983, and reasonable Attorney fees.

Nineth Cause of Action.

Access-to-the-courts Claim against Def Susanna Molina Rojas and Margaret Sowah in their individual capacities Pursuant to 42 USCS 1983.

While having no Right to do so, nor any Civil Practice Law and Rule to believe they had(CPLR 2102 c) and for a Purpose other than a desire to see the ends of Justice served, def's Rojas and Sowah aided and abetted eachother in the commission to willfully take a way the plaintiff's Federal Right to Petition the Goverment for a Redress of Grievances by not commencing the plaintiff's June 15 2018 Article Petition, June 20 2018 Article 78 Petition and the plaintiff's July 11 2018 Article 78 Petition and that was the proximate cause of the plaintiff Constitutional injuries that caused this action to commence.

Plaintif request an amount this court deems just and proper against def's Sowah and Rojas Jointly and severally for Compensatory, Punitive and Nominal damages Pursuant to 42 USCS 1983, and reasonable Attorney fees.

Tenth Cause of Action.

Right to Fair Trial Claim against def's David Simon and Sergeant Frazier in their individual capacities Pursuant to 42 USCS 1983.

(1)David Simon together with Sergeant Frazier stated that he watched the plaintiff thru videosurveillance do criminal acts(2)Simon stated that in felony complaint and forwarded to prosecutors office located at One Hogan Place(3)and the Petit Jury could have believed what the plaintiff did by Simon saying it because he stated he watched thru videosurveillance and that was the proximate cause of the plaintiff constitutional injuries thaty caused this action to commence.

Plaintiff request an amount this court deems Just and proper against def's Simon and Frazier for Compensatory, Punitive and Nominal damages Pursuant to 1983 and reasonable Attorney fees.

Eleventh Cause of Action.

Failure to Intervene Claim against def's Jane and John Doe's (arresting officers) from TD § 4 in their individual capacities Pursuant to 42 USCS 1983.

(1) Defs' Jane and John Does' knew def's Simon and Frazier was fabricating information because on 9-25-2017, they were all together (2) def's Jane and John Doe's had a realistic opportunity on 9-25-2017 to prevent def's Simon and Frazier from fabricating a whole complaint against the plaintiff with the intentions to deprive the plaintiff of his liberty with the fabrication (3) so by not preventing, def's Jane and John Doe's authorized def's Simon and Frazier's fabrication against the plaintiff and that was the cause of the plaintiff constitutional injuries that caused this action to commence.

Plaintiff request an amount this court deems just and proper against def's Jane and John Doe's (arresting officers from TD 4) for compensatory, Punitive and nominal damages Pursuant to 1983, and reasonable Attorney fees.

Twelfth Cause of Action.

Malicious Abuse of Criminal Process against def ADA John Doe in his individual capacity pursuant to 42 USCS 1983.

(1) Def ADA John Doe wanted a way to retaliate against the plaintiff for not taking the Nine month plea deal before def ADA John Doe knew it was an actual video and it arrived from the MTA (2) def ADA John Doe found away, by putting in an application for CPL 170.20 'knowing' that Laws very language applies only to cases that originate as misdemeanors. It do not apply to cases that originate as felonies. Def ADA John Doe knew the plaintiff's case originated as felonies, which himself and def Darkeh reduced to misdemeanors, and that was the proximate cause of the plaintiff injuries because if it wasn't for def ADA John Doe wanting the plaintiff to be again prosecuted on the felonies now that a video arrived from the MTA, one of the felonies would have never gotten restored, since def ADA John Doe cannot tell this court any legal reason he put in a application for CPL 170.20

Plaintiff request an amount this court deems just and proper against def ADA John Doe for Compensatory, Punitive and nominal damages Pursuant to 42 USCS 1983, and reasonable Attorney fees.

13th cause of Action.

Clear Absence of all jurisdiction Claim Pursuant to the Due Process Clause of the Fourteenth Amendment of the US. Constitution against def Darkeh in her individual capacity Pursuant to 42 USCS 1983.

Contrary to what the legislature proscribed to be done in New York Criminal Procedure Law 140.45, def Darkeh disregarded what the legislature proscribed in New York Criminal Procedure Law 140.45 so the plaintiff can be detained on known to her (State) fake evidence fabricated by Simon and Frazier because she knew they never saw anything thru videosurveillance and that was the proximate cause of the plaintiff constitutional injuries that caused this action.

Plaintiff request an amount this court deems just and proper against def Darkeh for Compensatory, Punitive and nominal damages Pursuant to 1983, and reasonable Attorney fees.

14th cause of Action.

Clear Absence of All Jurisdiction Claim Pursuant to the Due Process Clause of the Fourteenth Amendment of the U.S. Const against def's Laura.A.Ward and Nicholas Barnes in their individual capacities Pursuant to 42 USCS 1983.

While def Ward had absolutely no right not to entertain the plaintiff's Pre-Trial Motion on its merits, nor any reasonable ground to help def Barnes prosecute, def Ward disregarded the merits of the motion purposely so her and def Barnes could proceed over the video accusation using that as a Grand Jury indictment and that was the proximate causer of the plaintiff constitutional injuries that caused this action to commence.

Plaintiff request an amount this court deems just and proper against def's Ward and Barnes for Compensatory, Punitive and nominal damages Pursuant to 42 USCS 1983, and reasonable Attorney fees.

15th cause of Action.

Clear Absence of All Jurisdiction Claim against def Ann Scherzer Pursuant to the Due Process Clause of the Fourteenth Amendment of the U.S. Constitution in her individual capacity Pursuant to 42 USCS 1983.

While having no right to do so, nor, any reasonable ground to believe she had a Right to pick up right where def Ward told her to by permitting the video accusation to be transferred to Tap A from Part 71, then proceeding over the video accusation as a Grand Jury Indictment and that was the proximate cause of the plaintiff's constitutional injuries that caused this action to commence.

Plaintiff request an amount this court deems just and proper against def Ann Scherzer for Compensatory, Punitive and nominal damages Pursuant to 1983, and reasonable Attorney fees.

16th Cause of Action.

Clear Absence of all jurisdiction Claim under the Due Process Clause of the Fourteenth Amendment of the U.S. Const against def's ADA John Doe and Herbert Moses in their individual capacities Pursuant to 42 USCS 1983.

'Knowing' what def Simon stated in his Complaint was Non-Criminal def Moses and ADA John Doe proceeded anyway so the plaintiff can be detained on known to them(State)fake evidence by Def's Simon and Frazier's videosurveillance scheme and that was the proximate cause of the plaintiff constitutional injuries that caused this action to commence.

Plaintiff request an amount this court deems just and proper against def's Moses and ADA John Doe for compensatory, Punitive and nominal damages Pursuant to 42 USCS 1983, and reasonable Attorney fees.

Aplaintiff may pursue an independent Due Process Claim premised on fabricated evidence. GARNETT v. CITY OF NEW YORK, 838 f.3d 265;UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT)

17th cause of Action.

Due Process violation Claim against def's David Simon and Sergeant Frazier in their individual capacities Pursuant to 42 USCS 1983

The plaintiff was prosecuted on the fabricated allegations that def's Simon and Frazier created to complete their unconstitutional arrest, when they wrote the same in the felony turned misdemeanor complaint Pursuant to CPL 1.20 sub's 7 and 8 and that was the proximate cause of the plaintiff's constitutional injuries that caused this action to commence.

Plaintiff request an amount this court deems just and proper against def's Simon and Frazier for compensatory, punitive and nominal damages Pursuant to 42 USCS 1983, and reasonable Attorney fees.

18th cause of Action.

Negligence Legal Malpractice Claim against Yosha Gunasekera in her individual capacity Pursuant to 28 USCS 1367(A).

(1)Def Yosha Gunasekera was the plaintiff's Attorney for #2017NY050276 from 9-26-2017 to 10-17-2017 and Gunasekera never challenged by oral nor written motions that her clients criminal court complaint was Wholly fabricated and Non-criminal, nor did she ever challenge by oral or written motion for the exclusionary Rule dealing with how the video came about after the arrest, and, if def Gunasekera would have filed any one of the motions orally or written for any one of the aforementioned defenses for her client, docket number 2017NY050276 would have gotten dismissed and that was the proximate cause of the plaintiff injuries from his Attorney that caused this action to commence.

Plaintiff request an amount this court deems just and proper against def Yosha Gunasekera for Compensatory, Punitive and nominal damages and reasonable Attorney fees.

19th Cause of Action.

Negligence Legal Malpractice Claim against def Michael Jaccarino in his Individual capacity Pursuant to 28 USCS 1367(A).

(1)Def Michael Jaccarino was the plaintiff's Attorney in #4445-2017 from 10-12-2018 to sometime before Nov 8 2018, and, after 10-12-2018, def Jaccarino never challenged by oral and/or written motions that his client Cory Reid did not have a Grand Jury Indictment because he never got indicted on 11-20-2017, CPL 170.20 should not have gotten instituted in 2017NY050276 and Granted on 10-17-2017, because his client's case originated as felonies, and, the exclusionary Rule must be applied to my client's case because of how his arrest and video came about and that was the proximate cause of the plaintiff injuries that caused this action to commence.

Plaintiff request an amount this court deems just and proper against def Michael Jaccarino for Compensatory, Punitive and Nominal damages and reasonable Attorney fees.

20th cause of Action.

Fourteenth Amendment Constitutional violation analyzed under the Due Process Clause against def Sherill Spatz in her individual capacity Pursuant to 42 USCS 1983.

Def Sherill Spatz, a Government Officer who was sworn to faithfully discharge her duties, abused her official powers with Malice and Corruption by making believe that she was not the official that can help the plaintiff with preventing def Margaret Sowah an employee of the UCS from unlawfully denying the plaintiff Access-to-the-courts for Non-frivolous motions in his criminal case and that was the proximate cause of the plaintiff injuries that caused this action to commence.

Plaintiff request an amount this court deems Just and proper against def Spatz for Compensatory, Punitive and nominal damages Pursuant to 42 USCS 1983 and reasonable Attorney fees.



21th cause of Action.

Retaliation Claim against def's Herbert Moses, Yosha Gunasekera, Yosha Gunasekera's Supervisor, ADA John Doe Pursuant to 42 USCS 19083.

(1) The plaintiff wanted to have a Jury Trial on the A misdemeanor charges after they got reduced by Darkeh and ADA John Doe(2) just because the plaintiff did not want to take a plea for the misdemeanor charges, Moses, Gunasekera, Supervisor and ADA John Doe came up with a plan to restore illegally one count of 145.20 and add another count of 145.20 so the plaintiff can go to Trial on the felonies with the help of CPL 170.20(3) On 10-17-2017, an illegal application was put in for CPL 170.20 and granted so Tap A can proceed to Trial(4) def Moses had absolute 'sway' over the decision not to grant the application for CPL 170.20, and Gunasekera was the plaintiff's Attorney to challenge the application, and her Supervisor had an opportunity to enforce Gunasekera to challenge for her client the application for CPL 170.20 against her client and that was the proximate cause of the plaintiff's injuries because if it wasn't for def's Moses, Gunasekera, Supervisor and ADA John Doe not wanting the plaintiff to exercise his constitutional Right to have a Jury trial on the misdemeanor Charges, this action would not have commenced which is sufficient to deter a person of ordinary firmness from exercising his constitutional Right to A jury Trial.

Plaintiff request an amount this court deems just and proper against def's Moses, ADA John Doe, Gunasekera and her supervisor 'Jointly and severally' for Compensatory, Punitive and nominal damages Pursuant to 1983 and reasonable Attorney Fees.

22nd Cause of Action.

Retaliation Claim against def's David Simon, Sergeant Frazier and Jane and John Doe's(Arresting officers) Pursuant to 42 USCS 1983 in their individual capacities.

(1) On Sep 25 2017, in East Broadway train station, the plaintiff spoke to two people in that train station. Def's Simon, Frazier, Jane and John Doe's came up with a plan to say that what the plaintiff was speaking about

to those two people was against a penal Law or Transit Rule(3)  
 On Sep 25 2017, def's Simon, Frazier Jane and John Doe's turned  
 the plaintiff's talking to two people into a violation of a Transit  
 Rule;1050.6 B 2(4)def's Simon, Frazier, Jane and John Doe's was  
 the four Transit police that arrested the plaintiff on Sep 25 20  
 17 and that was the proximate cause of the plaintiff's injuries be  
 cause if it wasn't for def's Simon, Frazier, Jane and John Doe's  
 not wanting the plaintiff to speak to people, this action would no  
 t have commenced which is sufficient to deter a person of ordinar  
 y firmness from exercising his constitutional Right to speak unde  
 r the Speech Clause.

Plaintiff request an amount this court deems Just and Proper again  
 st def'd's Simon, Frazier, Jane and John Doe's in thier individual  
 capacities for Compensatory, Punitive and nominal damages and re  
 asonable Attorney fees.

23rd Cause of Action.

Conspiracy Claim against def's Ann Scherzer and Kendra Thimbrel  
 in thier individual capacities Pursuant to 42 USCS 1983.

(1)ON 10-11-2018, def Scherzer conspired with def Thimbrel in Sup  
 reme Court Part Tap A to deprive the plaintiff of Civil Rights:(2)  
 Since from the motions and Affidavits handed and forwarded to def  
 Scherzer, the plaintiff kept on repeating that he was not indicted  
 , def Scherzer knew that the plaintiff was going to repeat the sam  
 e on 10-11-2018 in Tap A since the plaintiff was his own Attorney,  
 so prior to entering Tap A, def Scherzer told def Thimbrel not t  
 o type in anything the plaintiff say about him not being indicted,  
 because def Scherzer did not want that all over the record, every  
 time the plaintiff looked at def thimbrel she was not typing when  
 the plaintiff stated something about not being indicted and that w  
 as the proximate cause of the plaintiff Constitutional injuries th  
 at caused this action to commence.

Plaintiff request an amount this court deems just and proper again  
 st def's ANN Scherzer and Kendra Thimbrel for Compensatory, Punitive  
 and nominal damages Pursuant to 42 USCS 1983 and reasonable  
 Attorney fees.

24th Cause of Action.

Conspiracy Claim against def's Sherill Spatz and Margaret Sowah in their individual capacities Pursuant to 42 USCS 1983.

(1)Def Spatz conspired with def Sowah to deprive the plaintiff of his Right to Access-to-the-courts(2)On June 12, 15, 22 of 2018, the plaintiff forwarded to def Spatz three complaints against def Margaret Sowah claiming def Sowah was depriving the plaintiff of his Right to Access-to-the-courts. On July 2 2018, def Spatz forwarded a correspondence to the plaintiff stating that she cannot oversee the Appellate Division regarding an Article 78 thereby permitting def Sowah to keep depriving the plaintiff of his Right to Access-the-courts and that was the proximate cause of the plaintiff constitutional injuries because if it wasn't for def Spatz not wanting to take the appropriate action as her government position requires, the plaintiff June 15, June 20 and July 11 all of 2018 Article 78 Petitions would have gotten commenced in the First Department where the plaintiff forwarded them to where def Sowah is the Deputy Clerk at all pursuant to CPLR 2102 c.

Plaintiff request an amount this court deems just and proper against def's Sherill Spatz and Margaret Sowah for Compensatory, Punitive and nominal damages Pursuant to 42 USCS 1983 and reasonable Attorney fees.

25th Cause of Action.

Conspiracy Claim against def's Michael Jaccarino, Ann Scherzer and Nicholas Barnes in their individual capacities Pursuant to 42 USCS 1983.

(1)Def Jaccarino conspired with def's Scherzer and Barnes to deprive the plaintiff of his Federal Right to have Counsel(since the Right to Counsel is the Right to effective assistance of Counsel)by telling def Jaccarino not to assist in any of the plaintiff's merited contentions such as the plaintiff did not get indicted(2)Oct 12 2018, def Jaccarino got assigned to #4445-2017, and got the case file for #4445-2017, and that case file had those two papers in it that def Clerk of Court Part Tap A handed to def Scherzer on 8-27-2018 in Tap A when they tried to trick the plaintiff and make-believe he was indicted

and those two papers was his Grand Jury indictment. Def Jaccarino ignored the same because def's Scherzer and Barnes told def Jaccarino video then Trial only. That day(10-12-2018) def Scherzer scheduled a day for jaccarino to only show the plaintiff the video. On Oct 17 2018, def Jaccarino met with the plaintiff in 100 Centre Street, on the 12th Floor, Attorney/Client meeting room to only show the plaintiff the video and that was the proximate cause of the plaintiff constitutional injuries because if it wasn't for def's Scherzer and Barnes not wanting def Jaccarino to argue for his client orally and with written motions(which def Jaccarino did not do for his client)the plaintiff is not indicted, since Jaccarino knew that he was obligated to do so, this action would not have commenced.

Plaintiff request an amount this court deems just and proper against def's Ann Schwerzer, Nicholas Barnes and Michael Jaccarino for Compensatory, Punitive and nominal damages Pursuant to 1983 and reasonable Attorney fees.

26th cause of Action.

Conspiracy Claim against def's Yosha Gunasekera, Supervisor, ADA John Doe and Herbert Moses Pursuant to 42 USCS 1983 in their individual capacities.

(1)Def Gunasekera and her Supervisor conspired with def's Moses and ADA John Doe to deprive the plaintiff of his Equal Protection Right to the New York Criminal Procedure Law 170.20's very language by def Gunasekera knowing as an Attorney that CPL 170.20 did not apply to her client's case because she knew her client's case originated as felonies. Gunasekera's Supervisor knew CPL 170.20 did not apply to his subordinate's <sup>clients</sup> case docket because he saw that that docket originated as felonies. Moses could not lawfully grant CPL 170.20 because Moses knew that 2017NY050276 originated as felonies, and ADA John Doe could not lawfully apply for CPL 170.20 because he knew that that docket number 20127NY050276 originated as felonies. On 10-17-2017, def Moses granted ADA John Doe's Application for CPL 170.20 anyway, def Gunasekera did not challenge the application by oral nor written motions and Gunasekera's Supervisor permitted his subordinate's actions that were unconstitu

tional to the plaintiff and that was the proximate cause of the plaintiff's Equal Protection injuries because if it wasn't for def Moses Granting def ADA John Doe's application anyway for CPL 170.20 because the plaintiff did not take the pleas. Def Gunasekera not challenging the application for CPL 170.20 for her client by oral or written motions on 10-17-2017 or prior and her Supervisor permitting def Gunasekera not assisting in her client's contention that the felonies was already reduced, the plaintiff would not have been in Supreme Court Part's 71 and Tap A filing Article 78's with the Appellate division and State and Federal Habeas Corpus challenging CPL 170.20 (Amongst other challenges).

Plaintiff request an amount this court deems just and proper against def's Yosha Gunasekera, Supervisor, Herbert Moses and ADA John Doe for Compensatory, Punitive and nominal damages Pursuant to 1983 and reasonable Attorney fees.

27th Cause of Action.

Conspiracy Claim against def's Joseph Habboushe, Cheyenne Snavelly David Simon, Sergeant Frazier, Jane and John Doe's in their individual capacities Pursuant to 42 USCS 1983.

(1) Def's Habboushe and Snavelly conspired with def's Simon, Frazier, Jane and John Doe to deprive the plaintiff (while he was a suspect in a criminal case) of Liberty without Due Process of Law because Habboushe and Snavelly figured all Black suspects under arrest faked injuries to initiate Civil suits against the police that arrested them (2) on 9-25-2017 in Bellvue emergency room, Habboushe and Snavelly just cleared the plaintiff without providing the plaintiff with treatment and stated to the plaintiff that he can take Tylenol for the pain and that was the proximate cause of the plaintiff's injuries because if it wasn't for def's Habboushe and Snavelly not wanting to provide medical treatment to the plaintiff because of a potential Civil suit against def's Simon and Frazier when they pushed the plaintiff into the van on 14th Street and that def's Snavelly and Habboushe did not want to help in anyway, this action would not have commenced.

Plaintiff request an amount this court deems just and proper against def's Cheyenne Snavely, Joseph Habboushe, David Simon, Sergeant Frazier and Jane and John Doe's for Compensatory, Punitive and Nominal damages Pursuant to 1983 and reasonable Attorney fees.

28th cause of Action.

Conspiracy Claim against def's Yosha Gunasekera, Darkeh, and ADA John Doe Pursuant to 42 USCS 1983.

(1) On 9-26-2017, def Gunasekera conspired with def's Darkeh and ADA John Doe to deprive the plaintiff of his Federal Right to have Counsel (Since the Right to Counsel, is the Right to effective assistance of Counsel) On 9-26-2017, def Gunasekera intentionally failed to argue at the local Court arraignment for her client Cory Reid that; if there is no money, metrocards and video in evidence right now against my client Cory Reid Pursuant to CPL 1.20 sub 40 to corroborate the allegations in this misdemeanor complaint, this misdemeanor complaint have to be dismissed right now and my Client Cory Reid released from custody and since that did not happen it proximately caused the plaintiff's Constitutional injuries because if it wasn't for def Gunasekera 'knowing' as an Attorney of Law that the only way her client Cory Reid could have legally gotten arrested and could legally be removed by APAR 1 to the Dept of Corrections was if the four arresting officers had an actual video in evidence (APAR 1) viewed it before putting it in evidence in APAR 1, and arresting her client Cory Reid according to what the video showed exactly, and since def Gunasekera knew the aforementioned did not take place, def Gunasekera made an agreement with def's Darkeh and ADA John Doe to take away the plaintiff's Federal Right to have Counsel assist the plaintiff in defending that, and only because def's Darkeh and ADA John Doe did not want the plaintiff released because he is black with priors in East Broadway causing this action to commence.

Plaintiff request an amount this court deems just and proper against def's Yosha Gunasekera, Darkeh and ADFA John Doe for Compensatory, Punitive and nominal damages in thier individual capacities Pursuant to 42 USCS 1983 and reasonable Attorney fees.

29th Cause of Action.

Conspiracy Claim against def's Margaret Sowah, Nicholas Barnes and Laura.A.Ward in thier individual capacities Pursuant to 42 USCS 1983.

(1)Def's Barnes and Ward conspired with def Sowah to deprive the plaintiff of his Federal Right to Petition the Goverment for a redress of Grievances in Harmony with Access-to-the-courts(2)def's Sowah, Barnes and Ward did not right a wrong on thier own initiative when they recieved from the plaintiff the June 19 2018 Petition forwarded to all three of them via mail Pursuant to the MAIL box Rule because that Petition from the plaintiff described in detail what def Sowah was doing illegal and contrary to cplr 2102 c to the plaintiff's Article 78's forwarded to 27 Madison Avennue where def Sowah was the deputy Clerk at regarding Indictment #4445-2017 that was pending against the plaintiff and that was the proximate cause of the plantif injuries that caused this action to commence because if it wasn't for def's Barnes and Ward wanting def Sowah to keep on denying the plaintiff Access-to-the-courts contray to C PLR 2102 c so the plaintiff do not recieve a favorable outcome in # 4445-2017 pendiong against him after the June 19 20-18 was forwarded to all three of tyhem, the plaintiff two April 3 2018 article 78's forwarded to 27 Madison Avenue would have gotten commenced and the plantif possible released shortly after, the plaintiff's June 20 2018 Article 78 forwarded to 27 Madison Avenue would have gotten commenced and the plaintiff possibly released from unlawful custody shortly after, and the plaintiff July 11 2018 Article 78 forwarded to 27 Madison Avenu would have gotten commenced and the plaintiff possibly released shortly after.



Plaintiff request an amount this court deems just and proper against def's Luara.A.Ward, Nicholas Barnes and Margaret Sowah for Compensatory, Punitive and nominal damages Pursuant to 1908 and reasonable Attorney fees.

30th Cause of Action.

Conspiracy Claim against def's Herbert Moses, ADA John Doe, Darkeh, David Simon, Sergeant Frazier, Jane and John Does' in their individual capacities Pursuant to 42 USCS 1983.

(1)Def's Simon, Frazier, Jane and John Does conspired with def's Moses, Darkeh and ADA John Doe to deprive the plaintiff of his Constitutional Right not to be deprived of Liberty on the basis of false evidence fabricated by a Government officer in its investigative capacity(2)On 9-26-2017 and 10-4-2017 when def's Darkeh, Moses and ADA John Doe read the complaint that def's Simon, Frazier, Jane and John Doe's used to arrest the plaintiff, def's Moses, Darkeh and ADA John Doe knew that since there is no device in any trainstation where a person can be on duty and look thru and see the station, def's Simon, Frazier and Jane and John Doe's fabricated the complaint just so they can complete an unconstitutional arrest and have the plaintiff prosecuted on that fabrication and that was the proximate cause of the plaintiff constitutional injuries because if it wasn't for def's Darkeh, Moses and ADA John Doe not wanting<sup>to</sup> uphold the laws just because the plaintiff is black with priors in eastbroadway trainstation, the plaintiff would have never gotten remanded to the Dept of Corrections, the plaintiff would have never gotten prosecuted on that fabrication, and that fabrication would have never gotten presented to the Grand Jury Pursuant to CPL 170.20 causing this action to commence.

Plaintiff request an amount this court deems just and proper against def's Darkeh, Herbert Moses, ADA John Doe, Sergeant Frazier, David Simon and Jane and John Doe's for Compensatory, Punitive and Nominal damages Pursuant to 42 uscs 1983 and reasonable Attorney fees.

31th cause of Action.

Conspiracy Claim against def's Yosha Gunasekera, Yosha Gunasekera's Supervisor, ADA John Doe and Herbert Moses Pursuant to 42 USCS 1983(3) in thier individual capacities.

(1)Just because the plaintiff is black, def's Moses and ADA John Doe conspired with def Gunasekera and her Supervisor(2)to impeded the prosecution of the misdemeanor charges after reduction from felonies(3)with purposeful intent to deny the plaintiff his Equal Protection to not have the felony charges restored after CPL 180.50 3 D, pursuant to CPL 170.20(4)so all four conspirators put in an illegal application for CPL 170.20 knowing that laws very language applies only to cases that originate as misdemeanors(5)so on 10-17-2017, CPL 170.20 was illegally granted by def Moses and on 11-20-2017 according to Supreme Court Parts Tap A and 71, one felony charge of 145.20 was restored with an extra count of 145.20 added and the plaintiff was deprived of exercising his Equal Protection Right not to have the felonies restored like whites and that was the proximate cause of the plaintiff's injuries that caused this action to commence.

Plaintiff request an amount this court deems just and proper against def's Yosha Gunaskera, Yosha Gunaskera's Supervisor, ADA John Doe and Herbert Moses for Compensatory, Punitive and Nominal damages Pursuant to 1983 AND reasonable Attorney fees.

32nd Cause of Action.

Negligence Legal Malpractice Claim against def Adam Silverstein Pursuant to 28 USCS 1367(A) in his individual capacity.

(1)Def Adam Silverstein was the plaintiff's Attorney from Nov 8 2018 until #4445-2017 finally was disposed of, and, def Silverstein never challenged by oral and written motions that his client Cory Reid was not indicted, and do not have a Grand Jury Indictment, that CPL 170.20 should not have gotten instituted in 2017NY050276 because his client case originated as felonies, and the exclusionary Rule must be given to his client because of how the plaintiff's arrest and video came about and that was the proximate cause of the plaintiff injuries that caused this action to commence.

Plaintiff request an amount this court deems just and proper against def Adam Silverstien for compensatory, Punitive and nominal damages Pursuant to 28 USCS 1367(A) and reasonable Attorney fees.

3rd Cause of Action.

Conspiracy Claim against def's Cyrus. R. Vance Jr and Ann. M. Donnelly in thier individual capacities Pursuant to 42 USCS 1983 and Bivens.

(1) In the Southern District of New York (28 USCS 1391 B2) where def's Vance and Donnelly knew Fraudulent Indictment #4445-2017 was pending against the plaintiff, and where the District Attorney's office of the County of New York is located, from there (Dist. Att. Office) def Cyrus. R. Vance Jr conspired with def Ann. M. Donnelly in the Eastern District of New York where def's Donnelly and Vance knew the plaintiff was being unlawfully detained and where 18 cv 4066AMD was pending against the District Attorney's office of the County of New York challenging the plaintiff's unlawful incarceration in the District Court of E.D.N.Y, from there (District Court of EDNY) to deprive the State and the plaintiff of its and his Right to Access-the-Courts when def Donnelly persuaded def Vance Jr on Aug 15 2018 not to defend the State by convincing him not to hire a Licensed Attorney to defend the allegations the plaintiff made in 18 cv 4066AMD claiming the District Attorney's Office of the County of New York was illegally detaining him interfering with the State and the plaintiff's efforts to pursue a legal claim and that same non wanting to advocate for the State and unconstitutional conduct against the plaintiff, deprived the State of Due Process of Law and the plaintiff of Liberty without Due Process of Law, since the process that was Due to the State and the plaintiff concurrent when the Petition marked 18 cv 4066 AMD was forwarded to the District Attorney's Office of New York was to hire a licensed Attorney to defend the allegations not listen to def Donnelly and hold out on the Petition so it can become Moot and the State Judge and Prosecutor can take the plaintiff to an illegal Trial on a felony Penal Law that they know is just a misdemeanor without a Grand Jury indictment and that was the proximate cause of the plaintiff's injuries that caused this action to commence.

Plaintiff request an amount this court deems just and proper against def'ds Ann.M.Donnelly and Cyrus.R.Vance Jr for Compensatory, Punitive and Nominal damages Pursuant to 42 USCS 1983 and Bivens and reasonable Attorney fees.

34th Cause of Action.

Conspiracy Claim against def's Johnathan Pine, Martin Bowe AND Ann.M.Donnelly in their individual capacities Pursuant to 42 USCS 1983 and Bivens.

(1) In the Southern District Of New York (28 USCS 1391 B2) where 100 Church Street is located and def's Pine and Bowe are employed, from there def's Pine and Bowe conspired with def Donnely in the Eastern District of New York where 18 cv 4066AMD was pending against the District Attorney's Office of New York County (28 USCS 1391 B2) and where the plaintiff was being unlawfully incarcerated to deprive the plaintiff of his Due Process Right to an impartial Tribunal in a Civil Case 18 cv 4066AMD and they did deprive the plaintiff of his Due Process Right to an impartial Tribunal when def's Pine and Bowe requested an adjournment on 10-25-2018 for def Donnely because Donnely asked them to because of the Oct 12 2018 letter the plaintiff wrote to def Donnely saying in relevant part that she was trying to hold out on the Petition until the plaintiff gets unduly convicted by def's Scherzer and Barnes and since def Donnely did not want the plaintiff to think that she was trying to hold out on the Petition because she actually was, she wanted def's Pine and Bowe to help her request an adjournment so she can grant it and def Vance Jr can now hire an Attorney and that was the proximate cause of the plaintiff's Constitutional injuries that caused this action to commence detaining the plaintiff on a conspiracy.

Plaintiff request an amount this court deems just and proper against def's Johnathan Pine, Martin Bowe and Ann.M.Donnely for Compensatory, Punitive and Nominal damages Pursuant to 1983 and Bivens and reasonable Attorney fees.

35th cause of Action.

Conspiracy Claim against def's ADA John Doe for #4445-2017, Ann Scherzer and Adam Silverstien in thier individual capacities Pursuant to 42 USCS 1983.

(1)Def Silverstien conspitred with def's ADA John Doe for #4445-2017 and Scherzer to deprive the plaintiff of his Right to have Counsel(Since the Right to Counsel, is the Right to effective assistance of Counsel)(2)When def Silverstien got hired by def Scherzer prior to or on Nov 8 2018, def Silverstien was told by def's Scherzer asnd ADA John Doe for #4445-2017 not to Assist in any of the plaintiff meritwed contentions and def Silverstien agreed with def's Scherzer and ADA John Doe for #4445-20187, because to this very day of the typing of these words in this complaint, def Silverstien never argued for the plaintiff orally nor written by moions that his client Cory Reid never got indicted, CPL 170.20 did not apply to his client Cory Reid's case(2017NY050276)and the exclusionary Rule applied in his client Cory Reid's case(4445-2017) and that was the proximate cause of the plaintiff constitutional injuries that caused this action to commence.

Plaintiff rerquest an amount this court deems just and proper against def's Ann Scherzer, ADA John Doe for #4445-2017 and Adam Silverstien for Compensatory, Punitive and Nominal damages Pursuant to 42 USCS 1983 and reasonable Attorney fees.

36th Cause of Action.

Action for neglect to Prevent Conspiracy against def Yosha Gunasekara's Supervisor Pursuant to 42 USCS 1986.

On 10-17-2017, def Supervisor had knowledge that an illegal application was being put in for CPL 170.20 against the plaintiff, def Supervisor had the Lawful power to prevent the application by telling his subordinate to argue the same for her client Cory Reid, and, since def Supervisor did not do the same, that proximately caused this action to commence.

Plaintiff request an amount this court deems just and proper against def Supervisor for Compensatory, Punitive and nominal damages and reasonable Attorney fees.

**Civil Procedure > Remedies > Damages > General Overview**

**Education Law > Civil Liability > Defamation**

**Torts > Intentional Torts > Defamation > Defamation Per Se**

When a plaintiff seeks compensation for an injury that is likely to have occurred but difficult to establish, some form of presumed damages may possibly be appropriate. Presumed damages may roughly approximate the harm that the plaintiff suffered and thereby compensate for harms that may be impossible to measure.

**Torts > Intentional Torts > False Imprisonment > General Overview**

**Torts > Damages > General Overview**

**Civil Procedure > Remedies > Damages > Special Damages**

**Torts > Damages > Compensatory Damages > General Overview**

**Torts > Damages > Compensatory Damages > Pain & Suffering > Emotional & Mental Distress > General Overview**

**Torts > Intentional Torts > False Imprisonment > Remedies**

KERMAN v. CITY OF NEW YORK, 374 F.3d 93; UNITED STATES COURT OF  
APPEALS FOR THE SECOND CIRCUIT.

(Excessive Force claims require 'serious or harmful' - not 'de minimis' - use of force. 'Bisway v. City of New York, 973 F. Supp. 2d 504, 529(S.D.N.Y.) 2013).

37th Cause of Action.

Excessive Force Claim analyzed under the Fourth Amendment of the U.S Const. against def's Phoenix and John Doe(Arresting Officer) Pursuant to 42 USCS 1983.

(1) The M.D. at Bellvue Hospital affirmed that she felt tenderness in the plaintiff's neck (2) from when def Phoenix aggressively put the plaintiff's head down with force in the police van while the plaintiff was rear cuffed and shackled, and, then, def John Doe subsequently put the plaintiff in a chokehold by putting his arm around the plaintiff's neck(Aggravating phoenix's use of force)(3)and both def's did that(used force that was not needed)because the plaintiff spit at def John Doe(Arresting officer) in Bellvue Hospital and that was the proximate cause of the plaintiff's Fourth Amendment injuries that caused this Action to commence.

Plaintiff request an amount this court deems just and proper against def's Phoenix and John Doe 'Jointly and severally' for Compensatory, Punitive and Nominal damages Pursuant to 42 USCS 1983 and reasonable Attorney fees.

38th Cause of Action.

Failure to Intervene Claim against def Ghegan in his individual capacity Pursuant to 42 USCS 1983.

(1)Def Ghegan heard the plaintiff saying 'get off of my neck' I can't breathe 2x, because def Ghegan could hear through the glass that separate's the driver from the passenger detainee's, so def Ghegan could have stopped the van, got out of driver's side, and, immediately stopped def Phoenix, and, def John Doe would have never choked the plaintiff subsequently(2)any police officer would know that if a police officer put someone's head down with force and putting that person in a chokehold while he was rear cuffed and shackled is in violation of their constitutional Right under the Fourth Amendment to be free from Excessive Force(3)Def Ghegan did nothing to stop def's Phoenix which would have eliminated def John Doe's use of force



in fact, when def Ghegan heard 'get off of my neck I wan't breathe' 2x through the glass thast separate's the driver from the passenger detainee's, dedf Ghegan kept on driving and that was the proximate cause of the plaintiff constitutional injuries because if it wasn't for def Ghegan not wanting to stop driving by pulling over to stop def's Phoenix and John Doe because def Ghgagan knew that def's Phoenix and JohnDoe was using excessive force on the plaintiff spit at def John Doe in Bellvue Hospital this action wouldn't have gotten commenced.

Plaintiff request anamount this court deems just and proper against def Ghegan for Compensatory, Punitive and Nominal damages Pursuant to 42 USCS 1983 and reasonable Attorney fees.

39th Cause of Action.

Excessive Force Claim analyzed under the Fourth amendment of the U.SConstitution against def's Sergeant Frazier and David Simon in thier individual capacities Pursuant to 42 USCS 1983.

(1)The plaintiff's lower back was hurt from the rear cuffs(2)which resulted directly and only from when def's Frazier and Simon pushed the plaintiff in van so the plaintiff can stop asking them who saw him swipe someone thru a turnstile(3)def's Simon and Frazier did not care, they just wanted the plaintiff inside of van so they can transport the plaintiff to central bookings for crimes they never saw the plaintiff commit and that was the proximate cause of the plaintiff oonstitutional injuries that caused this action to commence.

Plaintiff request anamount this court deems just and proper against def's Sergeant Frazier and David Simon for Compensatory, Punitive and Nominal damages Pursuant to 42 USCS 1983 and reasonable Attorney fees.

40th Cause of Action.

Excessive Force Claim analyzed under the Fourth Amendment of the U.S. Constitution against def's Cheyenne Snavelly and Transporting Officer Phoenix in thier individual capacities Pursuant to 42 USC S 1983.

(1)The plaintiff's under arms got burned(2)from def's Snavelly and Phoenix twisting a bedsheet into the air over the plaintiff while he was laying in the Hospital bed waitring for treatment from def 's Snavelly and Habboushe in Bellvue Hospital emergency Room and def's Phoenix aND Snavelly tied the bedsheet along the plaintiff's under arms because the plantif arms was cuffed separately apart f rom eachotyher and def's Snsavelly and Phoenix tied the bedsheet t o the front of the bottom of the bedfpost where the plaintiff was laying waiting for treatment while double shaekled(3)and def's Snavelly and Phoenix only intentionally burned the plantif's undeer arms because he is black and spit at def John Doe in front of the m and that was the proximate cause of the plantif constitutional injuries that caused this action to commence.

Plaintiff request anamount this court deems just and proper agains t def's Sheyenne Snavelly and Officer Phoenix for Compensatory Run itive and Nominal damages Pursuant to 42 USCS 1983 and reasonabkl e Attorney fees.

41th cause of Action.

Excessive Force Claim analyzed under the Fourth Amendment fo the U.S.Constitution against def John Doe Arresdring officer in his Individual capacity Pursuant to 42 USCS 1983.

(1)The plaintiff fell on ground and almost hit his mouth from van Ledge(2)be3ause def AJohn Doe was pulling the plaintiff closer to get out of van at 14th Street while the plaintiff was rear cuffed and schackled(3)all def John Doe had to do was help the plaintiff out of the van nice and slow and thatwas the proximate cause of t he plaintiff's Constitutional injuries that caused this action to commence, and the 42nd cause of Action as well.

42nd Cause of Action.

Excessive Force Claim analyzed under the Fourth Amendment of the U.S. Constitution against def's John Doe, Ghegan and Phoenix in their individual capacity Pursuant to 42 USCS 1983.

(1) While the plaintiff was rear cuffed and shackled, the plaintiff was carried upside down steps being transported to precinct at 14th Street Union Square and was ultimately dropped on his back in Precinct (2) def's John Doe, Ghegan and Phoenix carried the plaintiff upside down steps and dropped the plaintiff on his back inside of Precinct (3) all def's John Doe, Phoenix and Ghegan had to do after John Doe pulled the plaintiff from van ledge making the plaintiff fall on the ground, was pick the plaintiff up so that the plaintiff can stand up straight and carefully walk the plaintiff down steps, since they all knew that the plaintiff was rear cuffed and shackled and then take the plaintiff inside of precinct walking and that ] was the proximate cause of the plaintiff injuries causing this action to commence.

Plaintiff request an amount this court deems just and proper against def John Doe for Compensatory, Punitive and Nominal damages for the 41th cause of Action and reasonable Attorney fees. And an amount this court deems just and proper against def' John Doe, Phoenix and Ghegan for Compensatory, Punitive and nominal damages Pursuant to 42 USCS 1983 and reasonable Attorney fees.

(The standard of outrageous conduct is 'strict,' 'rigorous' and 'difficult to satisfy.' However, that is not the case when there is a deliberate and Malicious campaign of Harassment or intimidation. Additionally, the outrageous nature of the conduct can be established when it arises from the abuse of a position of power. See *S. Collar v. City of New York, et al*, 2018 N. Y. App. div. LEXIS 1895 SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION, FIRST DEPARTMENT).

43rd Cause of Action.

Intentional Infliction Of Emotional Distress Claim against def Margaret Sowah in her individual capacity Pursuant to 28 USCS 1367(A).

(1)The plaintiff forwarded to def Sowah the April 3 2018 Article 78 Petitions Two times after the first Initial time to App Term, First Dept, Clerk of Court for initial filing Pursuant to CPLR 2102c(2)after def Sowah illegally and contrary to CPLR 2102c forwarded back to the plaintiff the April 3 2018 Petitions, when the Plaintiff lawfully forwarded them back on May 9 2018, def Sowah made-believed she filed them and the third time, def Sowah just ignored the Petitions after the plaintiff asked her to file them on June 22 2018(3)def Sowah is the Deputy Clerk at the App Term, First Dept(4)to this very day of the typing of these words in this cause of Action, the plaintiff is struggling to endure that def Sowah still did not commence his Petitions as required by CPLR 2102c.

Plaintiff request an amount this court deems just and proper against def Margaret Sowah for Compensatory, Punitive And Nominal damages Pursuant to 28 USCS 1367(A) and reasonable Attorney fees.

44th Cause of Action.

Medical Malpractice Claim against def's Cheyenne Snaveley and Joseph Habboushe Pursuant to 28 USCS 1367(A).

Pursuant to the reasonable care standard for doctors, def's Snaveley and Habboushe refused to provide the plaintiff with any medical attention(treatment), even after assaulting the plaintiff, and using force on the plaintiff that was not needed and that was the proximate cause of the plaintiff injuries causing this action to commence because if it wasn't for def's Snaveley and Habboushe not providing medical attention to the plaintiff because they thought that it might help a potential Civil suit against the police that arrested him this action would not have commenced.

Plaintiff request and amount this court deems just and proper against def's Cheyenne Snaveley and Joseph Habboushe in their individual capacities for compensatory, Punitive and Nominal damages Pursuant to 28 USCS 1367(A), and reasonable Attorney fees.

45th Cause of Action.

Substantive Due Process Claim against def's Laura.A.Ward and Nicholas Barnes in their individual capacities Pursuant to 42 USCS 1983.

While having no jurisdiction nor any colorable claim of Authority def's Barnes and Ward decided together not to entertain the plaintiff's Pre-Trial sub 1 subsec A and H part of that motion on its merits in their decision and order dated March 14 2018 is because they would have had to release the plaintiff from unlawful custody and that conduct from def's Ward and Barnes 'Shocked the Conscience' of the Courts making that conduct oppressive in its nature and interfered with rights implicit in the concept of ordered liberty thereby causing this action to commence.

Plaintiff request an amount this court deems just and proper against def's Laura.A.Ward and Nicholas Barnes for Compensatory, Punitive and Nominal damages and reasonable Attorney fees.

46 cause of Action.

Substantive Due Process Claim against def's Ann Scherzer and Clerk of Court Part Tap A in their individual capacities Pursuant to 42 USCS 1983.

while aiding and abetting each other in the Commission to willfully deprive the plaintiff of his Substantial Right to be free from an arbitrary Action from a Government Officer, the same was actually accomplished on Aug 27 2018 by def's Clerk of Court Part Tap A and Scherzer when def Scherzer asked def Clerk of Court Part Tap A to hand her the indictment?(so she can lie to the plaintiff about being indicted,)and, def Clerk of Court Part Tap A subsequently handed to def Scherzer those two Papers Part 21 handed to the plaintiff on 12-4-2017 'knowing that what she handed to def Scherzer was not an indictment because she knew that the AGrand Jury on 11-20-2017 never indicted the plaintiff because of what the plaintiff told

them about CPL 170.20, but def Clerk of Court Part Tap A kept that quiet with def Scherzer because if they mentioned it, agreeing with the plaintiff's argument, they would have had to release the plaintiff from unlawful custody and that Schocked the Conscience of the courts and interfered with Rights implicit in the concept of ordered Liberty making believe the plaintiff is indicted so they can take him to an unlawful Trial causing this action to commence.

Plaintiff request an amount this court deems just and proper against def's Clerk of Court Part Tap A and Ann Scherzer for Compensatory, Punitive and Nominal damages Pursuant to 42 USCS 1983 plus reasonable Attorney fees.

47th Cause of Action.

Substantive Due Process Claim against def's Ann Scherzer and Nicholas Barnes in their individual capacities Pursuant to 42 USCS 1983.

While having no jurisdiction nor any colorable claim of Authority def's Scherzer and Barnes decided to deny the plaintiff's Aug 18 2018 motion without a decision and Order because they did not want to do what def's Barnes and Ward did in their decision and Order, but def's Barnes and Scherzer did not want to dismiss the video accusation to release the plaintiff from illegal custody and that conduct from def's Barnes and Scherzer 'Schocked the Conscience' of the Courts and interfered with ARights implicit in the concept of ordered Liberty thereby causing this Action to commence.

Plaintiff request an amount this court deems just and proper against def's Ann Scherzer and Nicholas Barnes for Compensatory, Punitive and Nominal damages Pursuant to 1983 and reasonable Attorney Fees.

48th cause of Action.

Clear Absence of all jurisdiction Claim against def ADA John Doe for #4445-2017 analyzed under the Due Process Clause of the Fourteenth Amendment of the US. Const in his individual capacity Pursuant to 42 USCS 1983.

On Nov 8 2018, in Supreme Court Part Tap, def ADA John Doe for #4445-2017 put on record that he was relieving def Nicholas Barnes so he can prosecute indictment number 4445-2017, and from the files def ADA John Doe for #4445-2017 received from def Barnes, def ADA John Doe for #4445-2017 knew that the plaintiff never got indicted on 11-20-2017, and he also knew that he had no colorable Claim to prosecute the plaintiff without a Grand Jury indictment but def ADA John Doe for #4445-2017 still teamed up with def Ann Scherzer anyway to prosecute the plaintiff on the video Accusation they got from def Ward, and def Ward received the video accusation from def's Moses, Gunasekera, Supervisor and ADA John Doe and that was the proximate cause of the plaintiff injuries causing this action to commence because if it wasn't for def ADA John Doe for #4445-2017 not caring about having no Authority to prosecute the plaintiff and prosecuting the plaintiff without Authority this action would not have commenced.

Plaintiff requests an amount this court deems just and proper against def ADA John Doe for #4445-2017 for Compensatory, Punitive and Nominal damages Pursuant to 42 USCS 1983 and reasonable Attorney fees.

49th cause of Action.

Conspiracy Claim Pursuant to 42 USCS 1983 and Bivens against def's Ann.M.Donnelly, Cyrus.R.Vance Jr and Eleanor.J. Ostrow in their individual capacities.

Def's Eleanor Ostrow and Cyrus R.Vance Jr, were connected with each other in the Southern District of New York (28 USCS 1391 B2), One Hogan Place, where the District Attorney's Office of the County of New York is located, and where #4445-2017 was pending against the plaintiff, from there (Dist.Att.Office of the County of Ny)



your two conspired with def Ann.M.Donnelly in the Eastern District of New York, where Civil case 18 cv 4066AMD was pending against the District Attorney's Office of the County of New York, and where the plaintiff was being illegally detained challenging that illegal detention with 18 cv 4066AMD to and did deprive the plaintiff of his Due Process Right to an impartial Tribunal in a civil case when def Ostrow listened to def Vance because def Ostrow knew def Donnelly told def Vance to tell an Attorney to file an Appearance of Counsel with the Court Pursuant to 18 cv 4066AMD 77 days later since the Amended Order to Show Cause went out to the District Attorney's Office of the County of New York against def Cyrus.R.Vance Jr, because def Donnelly told Vance that the plaintiff wrote her a letter dated Oct 12 2018 saying she was trying to hold out on the Petition until the plaintiff gets unduly convicted proximately causing this action to commence.

Plaintiff request an amount this court deems just and proper against def's Ann.M.Donnelly, Cyrus.R.Vance Jr and Eleanor Ostrow for COMPENSATORY, Punitive and Nominal damages and reasonable Attorney fees.

#### 50th Cause of Action.

Unlawful search and seizure Claim analyzed under the Fourth Amendment of the U.S.Const against def's David Simon, Sergeant Frazier, Jane AND John Doe's in their individual capacities Pursuant to 42 USCS 1983.

On 9-25-2017, in the County of New York, on Madison and Rutgers streets, def's Simon, Frazier, Jane and John Doe's all just grabbed the plaintiff's hands and stated 'freeze you under arrest' without knowing if the plaintiff actually committed a crime that day and then searched the plaintiff and that was the proximate cause of the plaintiff's injuries that kept the plaintiff incarcerated for fifteen Months.

Plaintiff request an amount this court deems just and proper against def's David Simon, Sergeant Frazier, Jane and John Doe's for Compensatory, Punitive and Nominal damages Pursuant to 42 USC 1983 and reasonable ATTORNEY fees.

51st cause of Action.

False Imprisonment Claim against def's Sergeant Frazier and David Simon under the Fourteenth Amendment of the U.S. Const Pursuant to 42 USC 1983.

(1) David Simon and Sergeant Frazier stated in Criminal Court Complaint that they watched thru video surveillance the plaintiff insert a piece of paper into an opening of a MVM, then approached two people to speak to them, then went and attempted to open up the service gate and when that did not work, the plaintiff swiped those two people thru a turnstile with a metrocard. (2) The plaintiff was detained on that evidence for 15 months and that was the proximate cause of the plaintiff Constitutional injuries that caused this action to commence.

Plaintiff request an amount this court deems just and proper against def's David Simon and Sergeant Frazier in their individual capacities for compensatory, Punitive and Nominal damages Pursuant to 42 USC 1983 and reasonable Attorney fees.

Plantiff request ~~ana amount~~ this court deem Just and Proper against def Margaret Sowah for Compensatory and Punitive damages.

~~42nd Cause of Action.~~ 52nd cause of Action,

Intentional Infliction of Emotional Distress Claim against def's Margatret Sowah, Susanna Molina Rojas and A.Ortiz pursuant to 28 USCS 1367 A.

(1)The plaintiff kept on forwarding letters and Affidavits to def's asking and telling them to file his July 11 2018 Article 78 Petition he forwarded to the App Term, First Dept certified mail(2) they were just ignoring his letters and affidavits(3)all three of them are clerks at the App Term, First Dept(4)to this very day of the typing of these words in this cause of Action, it is hared for the plaintiff to endure that the def's still did not commence his July 11 2018 Article 78 Petition as required by CPLR 2002(c) and that was the proximate cause of the plaintiff injuries that caused this action to commence.

43rd Cause of Aztion.

Medical Malpractice Claim against def's Cheyenne Snavelly and Joseph Habboushe Pursuant to 28 USCS 1367 A.

Pursuant to the reasonable care standfard care for doctors, def's Snavelly and Habboushe refused to provide the plaintiff with any medical treatment, even after assaulting him, and, using force on him that was not needed and that was the proximate cause of the plaintiff's injuries that caused this action to commence.

Plantiff request anamount this court deem Just and proper against both defendants Jointly and severally for Compensatory and Punitive damages Pursuant to 28 USCS 1367 A.

## ***Torts > Damages > Punitive Damages > General Overview***

## ***Civil Procedure > Remedies > Damages > General Overview***

## ***Civil Procedure > Remedies > Damages > Punitive Damages***

## ***Torts > Damages > Punitive Damages > Conduct Supporting Awards***

Punitive damages are awarded in tort actions where the defendant's wrongdoing has been intentional and deliberate, and has the character of outrage frequently associated with crime. Something more than the mere commission of a tort is always required for punitive damages. There must be circumstances of aggravation or outrage, such as spite or malice, or a fraudulent or evil motive on the part of the defendant, or such a conscious and deliberate disregard of the interests of others that the conduct may be called wilful or wanton.

John Prozeralik v. Capital Cities Communications, Inc., 82 N.Y.2d 466; COURT OF APPEALS OF NEW YORK.

***Torts > Negligence > Causation > Proximate Cause > General Overview***

***Civil Rights Law > Section 1983 Actions > Elements > Causal Relationship***

Tort defendants, including those sued under 42 U.S.C.S. § 1983, are responsible for the natural consequences of their actions. Thus, an actor may be held liable for those consequences attributable to reasonably foreseeable intervening forces, including the acts of third parties. The fact that the intervening third party may exercise independent judgment in determining whether to follow a course of action recommended by the defendant does not make acceptance of the recommendation unforeseeable or relieve the defendant of responsibility.

***Civil Procedure > Trials > Jury Trials > Jury Instructions > General Overview***

KERMAN v. CITY OF NEW YORK, 374 f.3d 93; UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT.

**Certification and Closing.**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this Complaint:(1)is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;(2)is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law;(3)the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and(4)the complaint otherwise complies with the requirements of Rule 11.

I, Cory Reid, declares under penalty of Perjury that everything is true and correct.

Date of Signing: 1-7-2019

Signature of Plaintiff: 

Printed Name of Plaintiff: CORY Reid

Address of Plaintiff: 240 Madison Street #2 D, NY NY 10002

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Page 1 of 2

CRIMINAL COURT OF THE CITY OF NEW YORK  
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

MISDEMEANOR

-against-

Conj Ried (M 37),

Defendant.

Police Officer David Simon, Shield 4429 of the Transit Division District 4, states as follows:

The defendant is charged with:

- |                         |   |
|-------------------------|---|
| 1 PL 145.00(1)          | Criminal Mischief in the Fourth Degree<br>(defendant #1: 1 count)       |
| 2 PL 145.15             | Criminal tampering in the second degree<br>(defendant #1: 1 count)      |
| 3 21 NYCRR 1050.4(c)    | Unlawful Sale or Reproduction of a MetroCard<br>(defendant #1: 1 count) |
| 4 21 NYCRR 1050.6(b)(2) | Unlawful Solicitation in the Subway<br>(defendant #1: 1 count)          |

On or about September 25, 2017 at about 12:48 P.M., in the subway station at East Broadway & Rutgers Street in the County and State of New York, the defendant intentionally damaged property of another while having no right to do so nor any reasonable grounds to believe that he had such a right; the defendant, having no right to do so nor any reasonable ground to believe that he had such right, he and she tampered and made connection with property of a gas, electric, sewer, steam and water-works corporation, telephone and telegraph corporation, common carrier, nuclear powered electric generating facility, and public utility operated by a municipality and district; the defendant sold, provided, copied, reproduced and produced and created a version of fare media and authorized access to and use of the facilities of the New York City Transit Authority without written permission and authority; the defendant solicited money and payment for food, goods and services and panhandled and begged upon a transit facility and conveyance without authorization by the Transit Authority.

The factual basis for these charges are as follows:

I observed, through video surveillance, the defendant insert a piece of paper into an opening of the MetroCard vending machine (MVM), which damaged the MVM. I know that the defendant's actions damaged the MVM because, before the defendant walked away the MVM displayed a green light, indicating that the machine was fully operable, and after



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CRIMINAL COURT OF THE CITY OF NEW YORK  
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

MISDEMEANOR

-against-

Cory Ried (M 37),

Defendant.

the defendant inserted the paper and walked away from the MVM, the MVM displayed a yellow light. Based on my training and experience as a police officer working in the Transit Division, I know that MVMs are not fully operable when the yellow light is displayed.

As a member of the New York Police Department, I am a custodian of the MVM and the defendant did not have permission or authority to tamper with or to damage the MVM.

I then observed the defendant standing in front of the MVM and observed him approach and speak to two people. I observed the defendant walk to the emergency exit gate and attempt to pull open the gate. I then observed the defendant approach the turnstile and swipe a MetroCard at the turnstile twice, allowing the two people through the turnstiles.

As a member of the New York Police Department, I am a custodian of the subway system and the defendant did not have permission or authority to solicit in the subway station or swipe people through the turnstiles.

False statements made in this written instrument are punishable as a class A misdemeanor pursuant to section 210.45 of the Penal Law, and as other crimes.

  
 Police Officer David Simon

 9/25/17  
 Date

 2089  
 Time

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

PT. 71 DEC 04 2012

THE PEOPLE OF THE STATE OF NEW YORK

-against-

CORY RIED,

Defendant.

THE GRAND JURY OF THE COUNTY OF NEW YORK, by this indictment, accuses the defendant of the crime of **CRIMINAL TAMPERING IN THE FIRST DEGREE**, in violation of Penal Law §145.20, committed as follows:

The defendant, in the County of New York, on or about September 25, 2017, with intent to cause a substantial interruption and impairment of a service rendered to the public, and having no right to do so nor any reasonable ground to believe that he had such right, damaged and tampered with property, to wit, a MetroCard vending machine, of a gas, electric, sewer, steam and water-works corporation, telephone and telegraph corporation, common carrier, nuclear powered electric generating facility, and public utility operated by a municipality and district, and thereby caused substantial interruption and impairment of service.

SECOND COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant of the crime of **CRIMINAL TAMPERING IN THE FIRST DEGREE**, in violation of Penal Law §145.20, committed as follows:

The defendant, in the County of New York, on or about September 25, 2017, with intent to cause a substantial interruption and impairment of a service rendered to the public, and having no right to do so nor any reasonable ground to believe that he had such right, damaged and tampered with property to wit, a second MetroCard vending machine of a gas, electric, sewer, steam and water-works corporation, telephone and telegraph corporation, common carrier, nuclear powered electric generating facility, and public utility operated by a municipality and district, and thereby caused substantial interruption and impairment of service.

CYRUS R. VANCE, JR.  
District Attorney

An indictment will be found jurisdictionally defective if the acts it accuses defendant of committing. Simply do not constitute a crime.

The People of the State of New York, Plaintiff, v. Wayne D. King., Defendant  
 District Court of New York, First District, Nassau County  
 137 Misc. 2d 1070; 523 N.Y.S.2d 390; 1987 N.Y. Misc. LEXIS 2764

[NO NUMBER IN ORIGINAL]  
 December 15, 1987

#### CASE SUMMARY

**PROCEDURAL POSTURE:** The people brought a motion for an order restoring the present action in order to allow it to re prosecute the case against defendant on the original felony charge of violating N.Y. Penal Law § 155.30, grand larceny in the fourth degree. Once felony complaint of grand larceny in fourth degree was converted to misdemeanor offense of petit larceny, court was required to dismiss felony complaint. There was no statutory authority that allowed court to reinstate felony complaint.

**OVERVIEW:** Defendant was originally charged with a felony violation of grand larceny in the fourth degree under § 155.30, which was subsequently reduced to the class A misdemeanor charge of petit larceny under N.Y. Penal Law § 155.25. The court subsequently granted the people's application to dismiss the misdemeanor charge in order to further the interests of justice pursuant to N.Y. Crim. Proc. Law § 170.30(1)(g), and the accusatory instrument was dismissed. The people then brought a motion for an order to restore the previous action against defendant to allow them to re prosecute him on the original felony charge of grand larceny in the fourth degree. The court held that the people were permitted to re prosecute defendant on the misdemeanor charge of petit larceny, but not on the previous felony. Once the felony complaint was converted into the accusatory instrument, the court was required to dismiss the felony complaint pursuant to N.Y. Crim. Proc. Law § 180.50(3)(d). There was no statutory authority that allowed the court to reinstate the felony complaint after it had been dismissed upon conversion to the misdemeanor offense pursuant to N.Y. Penal Law § 180.50.

**OUTCOME:** The court allowed the people to re prosecute defendant on the misdemeanor charge of petit larceny, not the original felony charge of grand larceny in the fourth degree.

#### LexisNexis Headnotes

*Criminal Law & Procedure > Pretrial Motions > Dismissal*

*Criminal Law & Procedure > Accusatory Instruments > General Overview*

*Criminal Law & Procedure > Accusatory Instruments > Dismissal*

*Criminal Law & Procedure > Pretrial Motions > Speedy Trial > General Overview*

*Criminal Law & Procedure > Jury Instructions > Requests to Charge*

*Governments > Courts > Judges*

*Governments > Legislation > Statutes of Limitations > General Overview*

The Criminal Procedure Law of New York fails to bar renewed prosecution of a misdemeanor charge that has been dismissed in the interest of justice upon the state's motion pursuant to N.Y. Crim. Proc. Law § 170.30(1)(g). This does not appear to be a legislative oversight because the legislature did provide for a bar to renewed prosecutions in other situations. N.Y. Crim. Proc. Law § 210.20 provides that re prosecution of an indictment is barred where the indictment has been dismissed due to immunity, double jeopardy, Statute of Limitations, and denial of speedy trial. N.Y. Crim. Proc. Law §§ 210.20(1)(d), (e), (f), (g), (h). However, N.Y. Crim. Proc. Law § 210.20(4) provides that where an indictment had been dismissed in the interests of justice, pursuant to N.Y. Crim. Proc. Law § 210.20(1)(i), a court may, upon application of the state, authorize the state to submit the charge to the grand jury. Accordingly, a superior court has the statutory authority to grant re prosecution of a felony charge where the indictment had been previously dismissed in the interests of justice.

*Criminal Law & Procedure > Pretrial Motions > Dismissal*

*Criminal Law & Procedure > Double Jeopardy > Attachment Jeopardy*

A district court should have the authority to grant re prosecution of an accusatory instrument on a misdemeanor charge where the accusatory instrument was originally dismissed in the furtherance of justice pursuant to N.Y. Crim. Proc. Law § 170.30. There is nothing in the Criminal Procedure Law of New York, which forbids the reinstatement of a misdemeanor prosecution. Furthermore, there is no double jeopardy involved since double jeopardy does not attach until a witness is sworn at trial. N.Y. Crim. Proc. Law § 40.30.

*Criminal Law & Procedure > Pretrial Motions > Dismissal*

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The People shall be permitted to re prosecute the defendant on the misdemeanor charge of violating Penal Law § 155.25, petit larceny. However, the People are not permitted to re prosecute {137 Misc. 2d 1072} the defendant on the felony charge of violating Penal Law § 155.30, grand larceny in the fourth degree. In the instant case, the felony charge (Penal Law § 155.30) was reduced to a nonfelony charge (Penal Law § 155.25), by converting the felony complaint into a local criminal accusatory instrument pursuant to CPL 180.50 (2) (b) and (3). Once the felony complaint is converted into an accusatory instrument, the court must dismiss the felony complaint. (CPL 180.50 [3] [d].) There is no statutory authority that allows the court to reinstate a felony complaint after the felony complaint has been dismissed upon conversion to a local accusatory instrument pursuant to CPL 180.50. (See, *Matter of Campbell v Pesce*, 60 N.Y.2d 165.)

Accordingly, the People are permitted to re prosecute the defendant on the misdemeanor charge of violating Penal Law § 155.25, petit larceny, but not on the previous felony charge of violating Penal Law § 155.30, grand larceny in the fourth degree. The Clerk of the Criminal Court is directed to restore the above-entitled action to the calendar.

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THE PEOPLE OF THE STATE OF NEW YORK v. ROBERT NUNZIATA, Defendant.  
 CRIMINAL COURT OF THE CITY OF NEW YORK, NEW YORK COUNTY, PART F  
 2001 N.Y. Misc. LEXIS 1006; 2001 NY Slip Op 40292U  
 Docket No. 2001NY063767  
 October 26, 2001, Decided

Notice:

THIS OPINION IS UNCORRECTED AND WILL NOT BE PUBLISHED IN THE OFFICIAL REPORTS.

\*Judges: A. Kirke Bartley, Jr., Judge of the Criminal Court\*

Opinion

Opinion by: A. Kirke Bartley, Jr.

Opinion

# DECISION AND ORDER

A. KIRKE BARTLEY, J.:

\*A felony complaint was filed against defendant charging him with criminal sale of a controlled substance in the fifth degree in violation of Penal Law § 220.31 and defendant was arraigned in Criminal court on July 26, 2001. At the arraignment, the People filed Grand Jury notice pursuant to Criminal Procedure Law § 190.50. Defendant filed cross Grand Jury notice. Bail was set in the amount of \$ 500 bond or cash. The case was then adjourned to July 30, 2001 which was the expiration of the time period that defendant may have been held in custody without either Grand Jury action or commencement of a hearing before his release pursuant to Criminal Procedure Law § 180.80.

On July 30, 2001, defendant was produced before the court with defense counsel and the People indicated that there was no Grand Jury action nor commencement of a preliminary hearing. The People then requested that the charge against defendant be reduced to the misdemeanor charge of criminal possession of a controlled substance in the seventh degree in violation of Penal Law § 220.03. The People further requested an adjournment to present the misdemeanor charge to a grand jury pursuant to Criminal Procedure Law § 170.20(2). The court permitted the reduction, but denied the People's application for an adjournment to present the misdemeanor charge to a grand jury pursuant to Criminal Procedure Law § 170.20(2). The following written decision elaborates upon the decision of the court.

The local criminal court must grant the People's application to adjourn the criminal court proceedings for a reasonable period of time to afford the People an opportunity to present a misdemeanor charge to a grand jury. *People v. Butor*, 75 Misc. 2d 558, 564, 348 N.Y.S.2d 89 (Dutchess County Court, 1973). Granting the motion is mandatory. *People ex rel. Kehoe v. Harkness*, 84 Misc. 2d 927, 376 N.Y.S.2d 992 (Supreme Court, Rensselaer County, 1975), *affirmed* 50 A.D.2d 1010, 376 N.Y.S.2d 950 (3d Dept 1975), *appeal denied* 40 N.Y.2d 809 (1977).

However, divestiture of local criminal court jurisdiction through the presentation of a misdemeanor charge to a grand jury pursuant to Criminal Procedure Law § 170.20 applies only to cases which originate as misdemeanors and not to cases which originate as felonies. *People v. Lebron*, 182 Misc. 2d 640, 642, 701 N.Y.S.2d 274 (Criminal Court of the City of New York, Kings County, 1999). In the present case, defendant was originally charged by felony complaint which the People reduced to a misdemeanor on defendant's release date pursuant to Criminal Procedure Law § 180.80. The People then immediately requested an adjournment pursuant to Criminal Procedure Law § 170.20 to present the misdemeanor charge to a grand jury. Since defendant's case originated as a felony, the People's request for an adjournment pursuant to Criminal Procedure Law § 170.20 must be denied.

If the court allowed a felony charge to be reduced to a misdemeanor and then permitted the People an adjournment to present the misdemeanor charge to a grand jury pursuant to Criminal Procedure Law § 170.20(2), the defendant's right to plead guilty to the charge in criminal court would be cut off. *People v. Bouyea*, 172 Misc. 2d 835, 837, 660 N.Y.S.2d 657 (Supreme Court, Kings County, 1997); see also *People v. Barkin*, 49 N.Y.2d 901, 428 N.Y.S.2d 192, 405 N.E.2d 674 (1980). The result is that a defendant is prevented from entering a plea agreement or going to trial in final disposition of the case before an indictment can be filed. Additionally, a defendant is incarcerated for both the Criminal Procedure Law § 180.80 and § 170.70 periods, and thereafter remains incarcerated. The limitation of Criminal Procedure Law § 170.20 to cases which originate as misdemeanor charges prevents the People from reducing felony charges to misdemeanor charges to avoid the release of a defendant pursuant to Criminal Procedure Law § 180.80 while the People seek an indictment. The court cannot sanction the practice of reducing felony charges to misdemeanor charges in an attempt to keep a defendant incarcerated in contravention of Criminal Procedure Law § 180.80 and to prevent a final disposition on the misdemeanor charges while the People seek an indictment on the originally alleged felony

## New York State Unified Court System

## Case Details - Charges

Court:	New York Supreme Court - Criminal Term
Case #:	4445-2017
Defendant:	[REDACTED]

← 4445-2017

Charge	Detail	Disposition Sentence
PL 145.20 00 **TOP CHARGE**	D Felony, 2 counts, <u>Arrest charge</u> <u>Not an arraignment charge</u> Description: Criminal Tampering-1st Degree Indictment Count: 1	
PL 145.20 00	D Felony, 2 counts, <u>Arrest charge</u> <u>Not an arraignment charge</u>	



one of the Criminal Charges the plaintiff  
Read at Central Bookings, Same Criminal  
charge in Supreme Court part 71.



# New York State Unified Court System

## WebCriminal

### Case Details - Charges

CASE INFORMATION		
Court:	New York Criminal Court	
Case #:	2017NY050276	
Defendant:	Ried, Cory	

Charge	Detail	Disposition/Sentence
TAR 1050.6B 02	Violation, 1 count, Not an arrest charge, Arraignment charge	
	Description:	
PL 145.15 00	A Misdemeanor, 1 count, Not an arrest charge, Arraignment charge	
**TOP CHARGE**	Description: Criminal Tempting-2nd	
TAR 1050.4C 00	Violation, 1 count, Not an arrest charge, Arraignment charge	
	Description:	
PL 145.00 01	A Misdemeanor, 1 count, Not an arrest charge, Arraignment charge	
	Description: Crm Mls: Intnt Dmge Prpty	



APAR 1 and PART C charges

[https://iapps.courts.state.ny.us/webcrim\\_attorney/Detail?which=charge&docketNumber=...](https://iapps.courts.state.ny.us/webcrim_attorney/Detail?which=charge&docketNumber=...) 11/18/2017

EXHIBIT

A

## Overview

Welcome to the Office of the Inspector General Homepage. The Office is responsible for the investigation and elimination of infractions of disciplinary standards, criminal activities, conflicts of interest, misconduct, misfeasance and incompetence on the part of nonjudicial employees of the UCS, and persons or corporations doing business with the UCS, with respect to their dealings with the courts.

For these purposes, the Inspector General receives complaints and information from the public and other sources about nonjudicial employees and takes appropriate action on such complaints; undertakes investigations or studies of the functions, accounts, personnel or efficiency of any court unit and acts as liaison with federal, state and local law enforcement and regulatory agencies on matters that fall within the scope of these responsibilities.

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**Inspector General**

Sherrill Spatz  
[ig@nycourts.gov](mailto:ig@nycourts.gov)  
Phone: 646-386-3500  
Fax: 212-514-7158

**Deputy Inspector General**  
Carol Hamm



**NEW YORK STATE**  
**Unified Court System**

OFFICE OF COURT ADMINISTRATION

LAWRENCE K. MARKS  
CHIEF ADMINISTRATIVE JUDGE

SHERRILL SPATZ  
INSPECTOR GENERAL

A

July 2, 2018

Mr. Corey Reid, #BKDC-3491709514  
Brooklyn Detention Complex  
275 Atlantic Avenue  
Brooklyn, NY 11201

Dear Mr. Reid:

This office is in receipt of your complaint correspondence dated June, 12, 15, and 22<sup>nd</sup>, 2018, respectively, regarding an Article 78 procedure, in the Appellate Division., First Department.

Please be advised this office has no jurisdiction to 'oversee' the Appellate Division, First Judicial Department. However, in order to assist you, I have forwarded your correspondence to the Chief Clerk of the Appellate Division, for their assistance.

If you have any further issues with the court, please address them directly to the court in question.

Very truly yours,

  
Sherrill Spatz

SS/jf

A

## New York State Unified Court System Office of the Inspector General

## Complaint Form

Please complete this form to file a general complaint with the Inspector General's Office. Following receipt of your complaint, you will be contacted by a member of our staff responsible for investigating your complaint.

Complainant's Name: Cory Reid  
 Mailing Address: Brooklyn Detention Complex  
 City: Kings County State: New York Zip code: 11201  
 Home Phone No.: \_\_\_\_\_ Work Phone No.: \_\_\_\_\_ E-Mail: \_\_\_\_\_

## Information about the complaint:

Name of subject of complaint: Deputy Clerk of App Term 1st Dep. Margaret Sawah  
 Address: 27 Madison Av City: N.Y. State: N.Y. Zip code: 10010  
 Home Phone No.: \_\_\_\_\_ Work Phone No.: \_\_\_\_\_

Is subject of complaint a court employee?: Yes ☒ No ☐

If yes, where is subject assigned?: First Department Title of employee: Deputy Clerk  
 Location of Complaint: 27 Madison Av. Court: Appellate Division  
 County: New York County

Please briefly summarize your complaint: Margaret keeps on disregarding Cory Reid's Article 78's by not filing them. She lied to me and unfiled article 78's because the judge told her to. She is acting like she is the prosecutor in my case. Margaret keeps refusing to file for me an article 78 dated April-19-2018.

I authorize the New York State Unified Court System's Office of the Inspector General to use my name in investigating this claim.

Signature: [Signature] Date: 6-12-2018

Please attach any additional information you may have about the claim and mail or fax this form to:

Office of the Inspector General  
 Office of Court Administration  
 25 Beaver Street  
 New York, NY 10004  
 Phone No: 646-386-3500 - Fax No.: 212-514-7158  
 E-Mail: [ig@nycourts.gov](mailto:ig@nycourts.gov)

## New York State Unified Court System Office of the Inspector General

UCS-18 (9/11)

## CLAIM OF DISCRIMINATORY TREATMENT

Please complete this form to file a claim of discriminatory treatment with the Unified Court System's Office of the Inspector General. Any individuals contacted by the Office of the Inspector General will be asked not to disclose the facts or contents of your claim unless disclosure is necessary.

Name: Cory Reid  
 Title: \_\_\_\_\_  
 Work Location: \_\_\_\_\_  
 City: Ft. Campbell State: NY Zip: 11201 Work Phone: ( ) \_\_\_\_\_  
 Home Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Home Phone: ( ) \_\_\_\_\_

Following receipt of your claim, you will be advised of the name and telephone number of the staff member responsible for investigating your claim. You also will be informed if the office needs further information or if there is a reason why the office cannot proceed with the investigation.

## 1. I believe that I have been treated in a discriminatory manner based on my:

- |  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Race                                     | <input checked="" type="checkbox"/> Color         | <input type="checkbox"/> Sex (including Sexual Harassment) |
| <input type="checkbox"/> Age   | <input type="checkbox"/> Creed                    | <input type="checkbox"/> Disability                        |
| <input type="checkbox"/> Religion  | <input type="checkbox"/> Marital Status           | <input type="checkbox"/> National Origin                   |
| <input type="checkbox"/> Sexual Orientation                                  | <input type="checkbox"/> Domestic Violence Status | <input type="checkbox"/> Gender Identity or Expression     |
| <input checked="" type="checkbox"/> Other (please specify): <u>Defendant</u> |   |  |

## 2. I believe that the act or treatment described below is discriminatory:

unfiling article 78's  
because the judge told her to.

## 3. I believe that the following individual(s) has (have) acted in a discriminatory manner:

Margaret Sawatz

## 4. Date of act or treatment (or indicate if ongoing):

April - 3-2018, May - 11-2018, April - 19-2018 and on-going

## 5. Witnesses (include names, work locations and telephone numbers):

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

I authorize the New York State Unified Court System's Office of the Inspector General to use my name in investigating this claim.

Signature: \_\_\_\_\_

Date: 6-12-2018

Please attach any additional information you may have about the claim and mail this form or a copy of it to:

Office of the Inspector General  
 Office of Court Administration  
 25 Beaver Street  
 Attention: Managing Inspector General for Bias Matters  
 New York, New York 10004  
 (646) 386-3507

From:

Cory Reid

275 Atlantic Av

Brooklyn NY 11201

BKDC-3491709514

To:

Office of the Inspector General

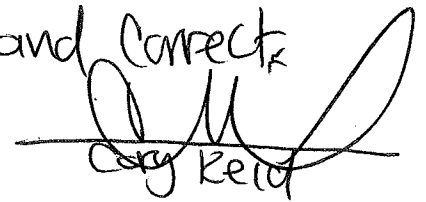
Office of Court administration

25 Beaver Street

NY, NY 10004


Subject: Dep. Clerk Margaret Sawaff...

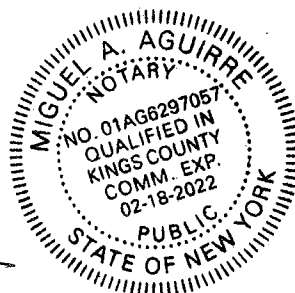
Greetings, Office of the Inspector General, my name is Cory Reid, and, the letter attached, Margaret never submitted an answer, she is completely ignoring it. Also I forwarded to her an affidavit that she never responded to dated May-9-2018. Cory Reid states the above to be true and correct.

  
Cory Reid

Sworn to before me this

12<sup>th</sup> day of June 2018

  
Notary Public official





May-23-2018

From:

Cory Reid

275 Atlantic Av.

Brooklyn NY 11201

Bkoc-3491709514

TO  
Margaret O'Sneal

Deputy Clerk

App Term: First Dep

27 Madison Avenue


N.Y. N.Y. 10010

Subject: Order to Show Cause...

Greetings Ms Margaret Cory Reid at your attention, on the 19th of April of the Current year Cory Reid Forwarded to this App Term an order to show Cause with the following Respondents: JUDGE DarkeH APAR 1, JUDGE mose: Part C, JUDGE ward Part 71, JUDGE in part C on 11-21-2017, All four Arresting officers, Def. Att. Yosha Gunasekera, Yosha Gunasekera's Supervisor, Mass Transit authority, Prosecuting attorney (one before nicholas Barnes) officer phoenix T.B. 4, officer Gheban T.B. 4, M.D. Joseph habbashe, M.D. Cheyei Snaveley, Legal aid Society, All Grand jury members on 11-20-2017.

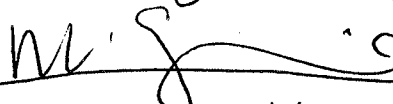
Can This App term please respond to me  
on the subject. Thank you.,

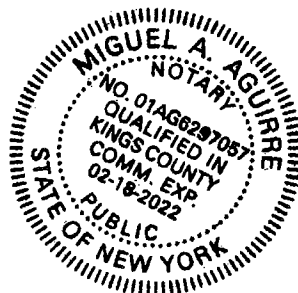
Cory Reid states the above information to be  
true and correct.

  
Cory Reid  
May-23-2018

Sworn to before me this

23<sup>rd</sup> day of May, 2018

  
Notary Public official



Supreme Court of the State of New York  
Appellate Division - First Department  
27 Madison Avenue  
New York, N.Y. 10010  
(212) 340-0400

May 18, 2018

Cory Reid(349-17-09514)  
275 Atlantic Avenue  
Brooklyn, NY 11201

Re: M/O Reid v. Hon. Laura A. Ward, JSC, NY County  
Index #143/18  
M/O Reid v. Hon. Moses and Hon. Laura A. Ward,  
JSC, NY County

Dear Mr. Reid:

This is to acknowledge receipt of your correspondence dated May 10 and May 11, 2018. Your Writ of Prohibition and Mandamus against Hon. Laura A. Ward has a calendar date of May 15, 2018. When a decision is rendered by this court, you will be notified.

Your Writ of Mandamus against Hon. Moses and Hon. Laura A. Ward has a calendar date of June 20, 2018. When a decision is rendered by this court, you will be notified.

Yours truly,

*Margaret O'Sawal*  
DEPUTY CLERK  
Clerk's Office

→ Margaret never allowed me (Cory Reid) to let the respondent know about the latter two (143/18). She unfiled them on April-3-2018 and then when I sent letter talking about CPLR 506 B7 she sent me this letter.

A

New York State Unified Court System Office of the Inspector General

Complaint Form

Please complete this form to file a general complaint with the Inspector General's Office. Following receipt of your complaint, you will be contacted by a member of our staff responsible for investigating your complaint.

Complainant's Name: Cory Reid  
Mailing Address: 275 Atlantic Ave Brooklyn Detention Complex  
City: Brooklyn State: New York Zip code: 11201  
Home Phone No.: — Work Phone No.: — E-Mail: —

Information about the complaint:

Name of subject of complaint: Margaret Sawah  
Address: 27 Madison Avenue City: N.Y. State: NY Zip code: 10010  
Home Phone No.: — Work Phone No.: 212 340-0400

Is subject of complaint a court employee?: Yes ☒ No ☐

If yes, where is subject assigned?: First Department Title of employee: Deputy Clerk  
Location of Complaint: Manhattan Court: App Term  
County: New York

Please briefly summarize your complaint:

SEE Attached page


I authorize the New York State Unified Court System's Office of the Inspector General to use my name in investigating this claim.

Signature: [Signature] Date: 6-22-2018

Please attach any additional information you may have about the claim and mail or fax this form to:

Office of the Inspector General  
Office of Court Administration  
25 Beaver Street  
New York, NY 10004  
Phone No: 646-386-3500 - Fax No.: 212-514-7158  
E-Mail: [ig@nycourts.gov](mailto:ig@nycourts.gov)

Cory Reed states how can he receive expedited service because the law provides state remedy such as but not limited to Article 78 petition and Deputy Clerk Margaret Sarah keeps on sending all my article 78 petitions back to me saying that I have to Commence them in the Lower Court. I forwarded to the first Dep where she work a petition dated April 19 2018 she stamped and received it April 24 2018 but it took her 55 days to forward it back and tell Cory Reed a lie that he cannot commence it there. She switched an index no. 143/18 and return date for that index no which was May 8 2018 but switched it to May 15 2018 because I told her that I was making complaints against her. She also lied and stated she filed my April 3 2018 petitions but never filed them up til today I had to send April 3 2018 petitions back to her in June 2018 to file for me. Is there any way this office can help at quickly. I forwarded to you two other Complaints against her. One dated 6-12-2018 and one dated 6-15-2018. Thank you for Listening



A

New York State Unified Court System Office of the Inspector General

Complaint Form

Please complete this form to file a general complaint with the Inspector General's Office. Following receipt of your complaint, you will be contacted by a member of our staff responsible for investigating your complaint.

Complainant's Name: Cory Reid  
Mailing Address: 215 Atlantic Avenue BRNY 11201 BRDC  
City: Kings County State: New York Zip code: 11201  
Home Phone No.: --- Work Phone No.: --- E-Mail: ---

Information about the complaint:

Name of subject of complaint: Margaret Savoff  
Address: 21 Madison Av City: NY State: NY Zip code: 10010  
Home Phone No.: --- Work Phone No.: ---

Is subject of complaint a court employee?: Yes ☒ No ☐

If yes, where is subject assigned? APP DIV Title of employee: Deputy Clerk  
Location of Complaint: Manhattan Court: First Department  
County: New York

Please briefly summarize your complaint:

SEE ATTACHED PAGE

I authorize the New York State Unified Court System's Office of the Inspector General to use my name in investigating this claim.

Signature: [Signature] Date: July-10-2018

Please attach any additional information you may have about the claim and mail or fax this form to:

Office of the Inspector General  
Office of Court Administration  
25 Beaver Street  
New York, NY 10004  
Phone No: 646-386-3500 - Fax No.: 212-514-7158  
E-Mail: [ig@nycourts.gov](mailto:ig@nycourts.gov)

July-2018

From:  
Cory Reid  
275 Atlantic Av  
Brooklyn NY 11201  
BkDC-349709514

To:  
Sherrill Spatz  
Inspector General  
25 Beaver Street  
NY NY 10004

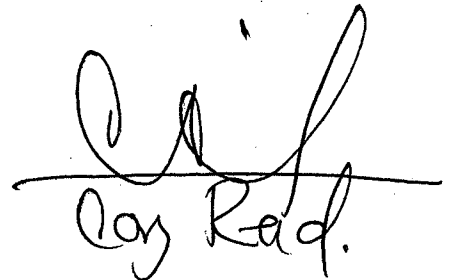
RE: UDS, NON-JUDICIAL employee...

Greetings, MS Spatz, my name is Cory Reid, and I am a defendant currently incarcerated in the Brooklyn Detention Complex, located at 275 Atlantic Av Bk NY 11201. And my Complaint is against Margaret Sowall a Deputy Clerk in the first Department App Term. I am Complaining about my June 15 2018 motion for



Default judgement. My June 21 2018 motion for reargument, and I forwarded my motion for reargument to the New York State Court of Appeals on June 29 2018 and they gave me a return date already. I also forwarded to the App Term first Depart. a Article 78 Dated June 20 2018 and no response yet on it. Can you please investigate. Please.

Cory Reid Declares under penalty of perjury that the aforementioned is true and correct,

  
Cory Reid.

EXHIBIT

B

Cory Reid  
275 Atlantic Avenue  
Brooklyn, New York, 11201  
Bkccenter-3491709514

Sep 6 2018

B

A. Ortiz  
App Term, first Dep.  
Supreme Court of State of New York  
27 Madison Avenue  
New York, New York, 10010

Letting you know

I know...

Ref: Return Receipt, 7018 1130 0000 7016 0159

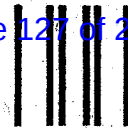
SIRS OR MADAM:

Hello, I would like to know why did you forward back to me a Return Receipt 50 days later (You received 7-16-18 and I received Sep 5 2018) for a article 78 petition that never got filed dated July-11-2018. that means Ortiz that you in charge of not filing it. Even if Margaret and Susanna put you up to sending the return receipt back. Remember that all proves I never got indicted and your all working together to cause harm to me and deny me federal Right(s).

Thanks.

cc: Ann Schelzer  
TAP A, 12th Fl.  
100 Centre Street  
NY NY 10013  
Supreme Court Judge

Truly and Sincerely  
Cory Reid



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

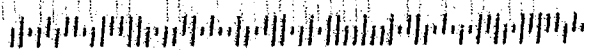
9590 9402 4148 8092 5914 70

United States  
Postal Service

5

• Sender: Please print your name, address, and ZIP+4® in this box•  
Cory Reed - 3491709514  
275 Atlantic Av BHM NY 11201  
housing area SC

07/16



SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece or on the front if space permits.

## 1. Article Addressed to:

App Term 7st Dep.  
Clerk of Court CPLR  
27 Madison Ave 5th Fl  
NY, NY 10010 CPLR  
202(C)



9590 9402 4148 8092 5914 70

## 2. Article Number (Transfer from service label)

7018 1130 0000 7016 0159

## A. Signature

☐ Agent☐ Address

## B. Received by (Printed Name)

A. ORTIZ

## C. Date of Delivery

7/16/18

- D. Is delivery address different from item 1? ☒ Yes  
If YES, enter delivery address below: ☐ No

## 3. Service Type

- |  |   |
|--|---|
| <input type="checkbox"/> Adult Signature                         | <input type="checkbox"/> Priority Mail Express®                     |
| <input type="checkbox"/> Adult Signature Restricted Delivery     | <input type="checkbox"/> Registered Mail™                           |
| <input type="checkbox"/> Certified Mail®                         | <input type="checkbox"/> Registered Mail Restrict                   |
| <input type="checkbox"/> Certified Mail Restricted Delivery      | <input type="checkbox"/> Return Receipt for Merchandise             |
| <input type="checkbox"/> Collect on Delivery                     | <input type="checkbox"/> Signature Confirmation                     |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Mail Restricted Delivery                |   |

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

EXHIBIT

C

**Contracts Law > Formation > Acceptance > Mailbox Rule**

Depositing in the post office a properly addressed, prepaid letter raises a presumption that it reached its destination by due course of mail, and mailing a letter in such way is prima facie evidence that it was received by the person to whom it was addressed.

**Contracts Law > Formation > Acceptance > Mailbox Rule**

Testimony contravening the receipt of mail does not put into issue the question of whether the letter was received. The overwhelming weight of statistics clearly indicates that letters properly mailed and deposited in the post office are received by the addressees. Usually, the one who mails a letter is devoid of any ability to prove receipt of the letter by the addressee. The testimony of the addressee that he did not receive the letter, while admissible, is admitted only because of the import of that testimony on the issue of whether the letter was mailed.

Clerk of Court

27 Madison Ave

NY NY 10010

App Term

First Dep



6-15-2018

Cory Reid  
275 Atlantic Av  
Brooklyn N.Y. 11201  
BkDC-3491709514

C

Deputy Clerk  
Margaret Sawah  
First Department  
27 Madison Avenue  
N.Y. N.Y. 10010

NOTICE OF  
COMMENCEMENT  
OF ARTICLE 78  
PURSUANT TO  
\*THE PETITION CLAUSE\*

Dear Maam,

I, Cory Reid, is putting you on notice that I am Commencing an Article 78 Petition in this department (First), and I am naming you (Margaret Sawah) as one of the Respondents. (The Petition has eight attachments.)

Right to Petition is Reserved

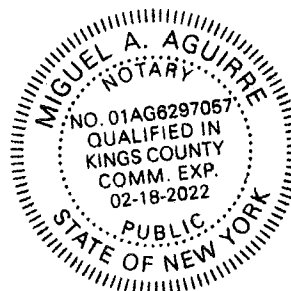
Private Citizen 2018

The notary Public of the BROOKLYN DETENTION COMPLEX witnessed under Cory Reid's Signature that he is forwarding this Notice to the App Term 1st Dept's Deputy Clerk Margaret Sawah.

witnessed on the

15<sup>th</sup> day of June, 2018

  
NOTARY PUBLIC OFFICIAL



***Constitutional Law > Bill of Rights > Fundamental Freedoms > Freedom to Petition***

The Petition Clause of the First Amendment protects the rights of individuals to access the courts for the resolution of legal disputes.

***Constitutional Law > Bill of Rights > Fundamental Freedoms > Freedom of Speech > General Overview***

***Constitutional Law > Bill of Rights > Fundamental Freedoms > General Overview***

***Constitutional Law > Bill of Rights > Fundamental Freedoms > Freedom of Assembly***

***Constitutional Law > Bill of Rights > Fundamental Freedoms > Freedom of Speech > Scope of Freedom***

***Constitutional Law > Bill of Rights > Fundamental Freedoms > Freedom to Petition***

The right to petition is cut from the same cloth as the other guarantees of the First Amendment, U.S. Const. amend. I, and is an assurance of a particular freedom of expression. The Petition Clause is inspired by the same ideals of liberty and democracy that gave us the freedom to speak, publish, and assemble. These First Amendment rights are inseparable.

***Constitutional Law > Bill of Rights > Fundamental Freedoms > Freedom of Association***

***Constitutional Law > Bill of Rights > Fundamental Freedoms > Freedom of Speech > General Overview***

***Civil Procedure > Pleading & Practice > Pleadings > Amended Pleadings > General Overview***

***Constitutional Law > Bill of Rights > Fundamental Freedoms > General Overview***

***Constitutional Law > Bill of Rights > Fundamental Freedoms > Freedom of Assembly***

***Constitutional Law > Bill of Rights > Fundamental Freedoms > Freedom to Petition***

When the Court has accords protection to conduct under the petition clause, other First Amendment, U.S. Const. amend. I rights, such as the right to assemble, to associate, or to speak freely on a matter of legitimate public concern, are implicated by the conduct in question and are principal concerns in a court's decision that the conduct should be protected.

***Constitutional Law > Bill of Rights > Fundamental Freedoms***

Official reprisal for protected speech offends the Constitution because it threatens to inhibit exercise of the protected right. To plead retaliation for the exercise of First Amendment rights, a plaintiff must allege (1) constitutionally protected conduct, (2) retaliatory action sufficient to deter a person of ordinary firmness from exercising his constitutional rights, and (3) a causal link between the constitutionally protected conduct and the retaliatory action.

***Constitutional Law > Bill of Rights > Fundamental Freedoms > Freedom to Petition***

***Constitutional Law > Bill of Rights > Fundamental Freedoms > Freedom of Speech > Scope of Freedom***

Both the Free Speech Clause and the Petition Clause protect personal expression', both expression generally and expression directed towards the government for the specific purpose of asking it to right a wrong.

***Civil Rights Law > Section 1983 Actions > Elements > Color of State Law > State Agents***

***Civil Rights Law > Section 1983 Actions > Elements > Color of State Law > State-Authorized Actions***

The 42 U.S.C.S. § 1983 "under color of state law" requirement can be met where the defendant either: (1) acts in his or her official capacity or (2) purports to act according to official power.

***Constitutional Law > Bill of Rights > Fundamental Freedoms***

Whether an act is retaliatory is an objective question. The court asks whether the act would deter a person of ordinary firmness, not whether the plaintiff was deterred. There is good reason for such a rule: the court will not reward government officials for picking on unusually hardy speakers. At the same time, the court recognizes that government officials should not be liable when the plaintiff is unreasonably weak-willed.

***Constitutional Law > Bill of Rights > Fundamental Freedoms***

Where an alleged act of retaliation takes the form of an official's own speech, the court employs a more specific test to determine whether the official's speech amounts to a retaliatory act. The court asks whether there was a threat, coercion, or intimidation, intimating that punishment, sanction, or adverse regulatory action will follow.

***Constitutional Law > Bill of Rights > Fundamental Freedoms***

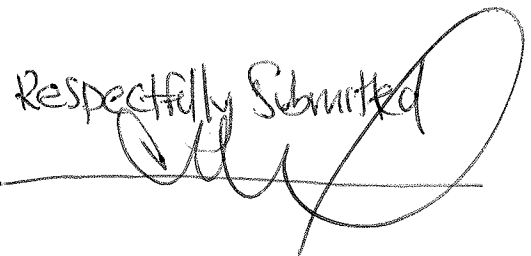
The third element of a retaliation claim requires a causal link between a plaintiff's constitutionally protected activity and the retaliatory act. The required link is but-for causation. Any plaintiff charging official retaliatory action must prove the elements of retaliatory animus as the cause of injury, and the defendant will have the opportunity to respond to a prima facie case by showing that the action would have been taken anyway, independently of any retaliatory animus. One method of proving a causal link, applicable here, is unusually suggestive temporal proximity.

\* PROOF OF SERVICE \*

STATE OF NEW YORK  
COUNTY OF KINGS

CORY REID, being duly sworn, deposes and says:  
That I have on this 15<sup>th</sup> day of June, 2018, placed and submitted in the postal receptacle in the New York City Correctional Facility known as the BROOKLYN DETENTION COMPLEX located at 275 ATLANTIC Avenue, BKLYN, NY 11201, a NOTICE of commencement of Article 78, with an actual article 78 petition that has 8 attachments, to be duly mailed via the United States Postal Service to the following parties in the above action:

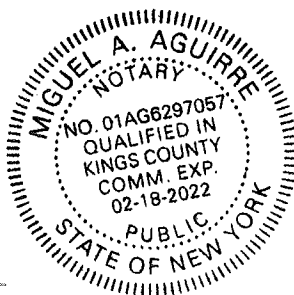
Deputy Clerk  
of App Term 7st Dep  
27 Madison Avenue  
N.Y. N.Y. 10010  
ATTN: Margaret Sowah

Respectfully Submitted  


Sworn to before me this

15<sup>th</sup> day of June, 2018

  
NOTARY PUBLIC OFFICIAL



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

CORY REID, Petitioner

-against-

Deputy Clerk MARGARET SOWAH

Judge LAURA.A.WARD

Prosecuting Attorney NICHOLAS BARNES  
Respondents


NOTICE  
OF  
PETITION

PLEASE TAKE NOTICE, that upon the attached Petition of CORY REID, will move and forward to the repondents listed in caption t he same, simply asking them to right a wrong on thier own initiat ive. And for such other and further relief as the respondents lis ted in captiuon deem just and proper plus equitable. And for Judi cial Proof.

  
Private Citizen 2018

THAT, on the 19 day of JUNE, 2018, CORY REID, personally appeared b efore me and known to be that same man who told me he was forward ing this notice via mail to respondents Margaret Sowah, Laura.A.W ard, and Nicholas Barnes, making them aware that he is filing a P etition with them.1 & XIV.

ANTONIO MIGUEL FRAZIER  
Commissioner of Deeds  
No. 00775  
Qualified in Kings County  
Commission Expires May 1, 2020

  
6/19/18

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

---

CORY REID, Petitioner

AFFIDAVIT IN SUPPORT

-against-

O F

Deputy Clerk MARGARET SOWAH

P E T I T I O N

Judge LAURA.A.WARD

Prosecuting Attorney NICHOLAS BARNES

Respondents

---

STATE OF NEW YORK  
COUNTY OF KINGS

I, CORY REID, being duly sworn, declares by his signature and says:

Congress shall make no Law Respecting an establishment of Religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to Petition the Government for a redress of Grievances.

Since Title 18 U.S.C.S. 242 is analogous to Title 42 U.S.C.S. 1983, defendants Ward, Barnes and Sowah are all acting in concert (Penal Law 20.00) to deprive the plaintiff of his Public Right under the Petition Clause to commence Petition's in the First Department (because they warrant a finding in the plaintiff's favor) by having Deputy Clerk defendant Margaret Sowah tamper with all of the Article 78's the plaintiff forwarded and forwarding to that department and that was and is (on-going) the proximate cause of the plaintiff's First and Fourteenth Amendment Constitutional injuries that cause this (action) Petition (to commence) to be filed with them.

S T A N D I N G .

The irreducible Constitutional minimum of Article III Standing requires that a plaintiff demonstrate three elements: (1) injury in fact, (2) causation, and (3) redressability. The party invoking Federal



ral jurisdiction bears the burden of establishing these elementsd

P E T I T I O N . .

These facts are sufficient for 28 U.S.C. 1331 and 1343 (A)(3) that Cory Reid can prove by a preponderance of the evidence with Judicial Proof, unquestionable Documentary Proof and Official Government Responsibilities so it is not jst a conspiracy theory/and/or the petitioner is not just writing the same because he is in jail (upset defendant).

Principal.

Margaret Sowah, either on your own initiative you unfiled and removed those Article 78's dated April 3rd of 2018 and rigged the March 28 2018, May 15 2018 and soon to be June 20 2018 and then called and about to call Barnes and Ward to tell them you did the latter and they did and will agree or you called them first and they gave you the okay.

Accomplice.

Laura.A.Ward, you waiting for Margaret to dismiss the June 20 2018 Petition along with the May 15 2018 and March 28 2018 Petition so you and Barnes can continue.(Laura you moved by 3709/13 see history with Laura.A.Ward).

Accomplice.

Nicholas Barnes, you waiting for Margaret to dismiss the June 20 2018 Petition along with the May 15 2018 and March 28 2018 Petition so you and Ward can continue.

History with Laura.A.Ward.

The Petitioner met with respondent Laura.A.Ward on 9-30-2013 during 3709/13 when the clerk of court arraigned the petitioner on one count of Penal Law 130.50 sub 1, 130.65 sub 1 see 130.00 sub 2A and then stated 'and several other charges' which were Penal Law 130.20 sub 1, 110/130.25 sub 2 and 120.00 sub 1 see 130.00 sub 1.

which is the reason why the petitioner found about the charges in 3739/15 when he attorney forwarded to him his rapsheet. After 25 months and 17 days without an arraignment and being prosecuted on the petitioners own statement all charges were dismissed.(The reason which leads ward to okay the Article 78's being tampered with so Reid can get punished.) Judicial Proof for motive.

Then the petitioner met with Laura.A.Ward again sometime in late October of 2015 during 3739/2015 where the same clerk arraigned the petitioner on Criminal Tampering in the first degree PL 145.20. An allegation that detective Victor Lascano and Officer Manuel Mercedez saw the petitioner thru a videosurveillance insert an unknown object into a U.S. Currency intake slot and render two meter card machines inoperable on nine different days. But Laura found out that none of the videos showed what they stated they saw, Laura Ward even found out that Aug 12 and Aug 15 there was no videos for those days. Then the indictment was jurisdictionally defective, so the court ordered the petitioner to Bellvue hospital and ultimately to Kirby. Then she allowed the petitioner to take a plea to nine months jail time for A D felony(machines not working). Before the plea respondent Ward told the petitioner 'Although I enjoy seeing you and I always have I do not want to see you again sitting in that seat.(See plea minutes).

Now Laura.A.Ward is back for the third time to cause headache and pain. With the help of Margaret that is why Cory Reid needs the Article 78's because Ward is so concerned about sending the petitioner upstate for a misdemeanor and without a Grand Jury Indictment.CPL.300.30 sub 1.

#### Procedural History..

1. The petitioner filed a grievance(201.20 motion)with part 71 claiming 'inter Alia' the accusatory instrument was jurisdictionally defective. And there was a jurisdictional impediment to conviction for PL.145.20.

2. Respondent Ward then told the petitioner legal advisor to file then forward to the petitioner an omnibus motion(so the petitioner can forget about his 210.20 motion because it warranted a finding in his favor).

3. The petitioner then forwarded to Laura an affidavit talking relatively about the latter(the affidavit still hasn't been rebutted). Judicial Proof.

4. Then without having the authority respondent Ward made up her own motion to deny.(See decision and order proving the petitioner's motion is merititorious.) Judicial Proof.

5. March 28 of 2018 the petitioner filed a grievance with the appellate court first department pursuant to CPLR 78 praying for Ward to answer his CPL.210.20 subdivision 1 A and H part of it.

6. April 3rd of 2018 the petitioner forwarded to the same appellate court three grievances pursuant to CPLR 78. Two against same respondent Ward only and one against her and arresting officer.

7. April 12th of 2018 the petitioner forwarded to the same appellate court one grievance pursuant to CPLR 78 against respondent Ward and Barnes.

8. April 19th of 2018 the petitioner forwarded to the same appellate court another grievance pursuant to CPLR 78 against respondents Ward, Moses, Darkeh, Judge in part C on 11-21-2017, All four Arresting Officers, Mass Transit Authority, Legal Aid Society, Yosha Gunasekera, Yosha Gunasekera's Supervisor, MD Cheyyene Snavely, MD Joseph Habboushe, All Grand Jury Members on 11-20-2017, Prosecuting Attorney(one before Nicholas Barnes), Officer Phoenix and Officer Ghagan.

9. Then the petitioner called the motion office and Renae told him that he had two return dates-one for May 8th of 2018 and May 15th of 2018. Judicial Proof.

All of a sudden in the mail with a notice dated May 1st of 2018 annexed to all three Article 78's dated April 3rd of 2018 and the one dated April 12th of 2018. Margaret Sowah told the petitioner he had to file all four in the lower court even the two against respondent Ward only inconsistent with March 28th of 2018 petition, CPLR 506 B 1 and Ist and XIV.

11. May 9th of 2018 the petitioner forwarded to Margaret herself 'self titled' envelope an affidavit claiming denial of civil right to petition attached with two Article 78's dated April 3rd of 2018 against respondent Ward only asking Margaret to refile pursuant to CPLR 506 B 1. Forwarded with Proof of service for Judicial Proof.

12. May 10th of 2018 the petitioner forwarded to Margaret herself a letter talking about CPLR 506 B 1. Judicial Proof.

13. May 11th of 2018 the petitioner forwarded to Margaret herself another letter talking relatively about CPLR 506 B 1 and that letter had an Article 78 grievance attached against Ward and Moses. (See return date for June 20th of 2018). Letter for Judicial Proof

14. May 18th of 2018 Margaret herself forwarded to the petitioner via mail a notice stating she received his May 10 and May 11th letters and he has two return dates May 15th of 2018 and June 20th of 2018. But see Margaret did not say that she received the May 9th of 2018 affidavit but stated the petitioner has some return date for same April 3rd of 2018 Article 78's; against Ward only(2). Judicial Proof. Margaret not acknowledging receipt-means not receiving it at all.

15. May 17th of 2018 petitioner forwarded to Margaret herself another letter and attached to letter from cory reid was a notice she sent to another inmate and it stated in relevant part 'A petition against a Justice may be commenced in this court. Judicial Proof.

16. May 23rd of 2018 the petitioner forwarded to Margaret herself a letter notarized asking about April 19th of 2018 grievance pursuant to CPLR 78. With Proof of Service for Judicial Proof.

17. June 5th of 2018 the petitioner received via mail from the first Department a dismissal of March 28 2018 petition. (Margaret dismissed it. Cory Reid needed that to be granted because now who is going to at least answer his motion.) Thanks to Margaret the petitioner has no adequate state remedy.

18. June 22th of 2018 the petitioner forwarded to Margaret herself 'self attached envelope' the April 19th of 2018 grievance pursuant to CPLR 78 and an affidavit with proof of service for judicial proof.

19. June 15th of 2018 the petitioner forwarded to Margaret herself and court a notice of commencement of Article 78 Petition against herself Laura Ward and Nicholas Barnes with the actual Article 78 Petition (grievance) with proof of service for judicial proof.

20. June 16th of 2018 the petitioner forwarded to Margaret herself a motion for default judgement for index number 143/2018 pursuant to CPLR 403(B) and an affidavit in relation to May 15th of 2018's return date both with proof of service for judicial proof,

Today the petitioner is forwarding this petition to Margaret Sowah, Laura.A.Ward and Nicholas Barnes asking them on their own initiative to right a wrong.

Relief.

Here is what the petitioner wants the respondents to do for him.

The petitioner wants Margaret Sowah Deputy Clerk of Appellate Division First Department to actually file the Article 78's already forwarded and allow the petitioner to really have them heard by the court instead of her, since Due Process requires the defendant a fair hearing from a fair tribunal basic components. Because Ward and Barnes are just waiting for the last dismissal for Margaret without costs and disbursements. Margaret it is proving because how did you unfile the April 3rd petitions with a May 15th return date and then forward a letter May 18th of 2018 after receiving letter from the petitioner complaining about the latter May 9th of 2018 and tell the petitioner he has a return date for May 15th of 2018 and the law requires the petition to be forwarded to the respondents 20 days before return date? how Margaret?

Margaret those return dates are fictitious.

Cory Reid is also asking you Margaret to refund him for the extra postage stamps he used and still using to keep re-sending the same Article 78's because you do not want to file them because they warrant a finding in the petitioners favor. Margaret please if not later pursuant to the judicial Proof.

Margaret, Ward and Barnes

In 1963 Rev. Martin Luther King stated in relevant part to this Petition at the march on Washington

When we allow freedom to ring-when we let it ring from every city and every hamlet, from every city, we will be able to speed up that day when all of God's children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands and sing in the words of the old negro spiritual, 'Free at last, Free at last, Great God a-mighty, We are free at last.'

Thirteenth Amendment-Personal Right.....

For the defendant Sowah tampering with all of the plaintiff's Article 78's forwarded to the court she work in to help out Barnes and Ward is unconstitutional. Fed.R.Civ.P 8A. CPLR 3017 A.

When a complaint adequately states a claim, it may not be dismissed based on a district court's assessment that the plaintiff will fail to find evidentiary support for his allegations or prove his claim to the satisfaction of the factfinder. Atlantic Corp v. Town of Plymouth, 550 U.S. 544.



Private Citizen 2018

THAT except upon what Rev, Martin Luther King JR stated in the March in Washington. On the 19 day of JUNE, 2018, Cory Reid, personally appeared before me and known to be that same man who told me that everything he stated in Petition about Respondents is true, correct and not meant to harass or annoy them.

ANTONIO MIGUEL FRAZIER  
Commissioner of Deeds  
No. 2-2775  
Qualified in Kings County  
Commission Expires May 1, 2020

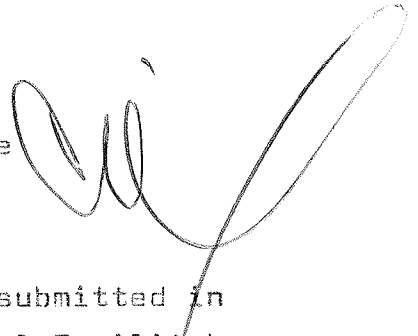
*Antonio Frazier*  
6/19/18



\*PROOF OF SERVICE\*

STATE OF NEW YORK  
COUNTY OF KINGS

CORY REID, being duly sworn, desposes by his signature  
and says:



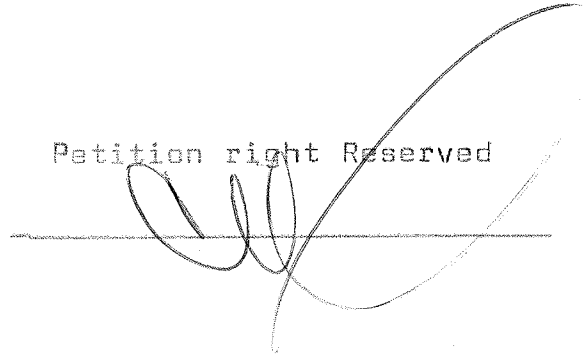
THAT I have on this 19 day of June of 2018 placed and submitted in the Postal Receptacle in the New York City Correctional Facility known as the BROOKLYN DETENTION COMPLEX, A Petition with a notice annexed to it simply asking the respondent listed in caption to right & wrong on their own initiative, to be duly mailed via the United States Postal Service to the following parties:

Deputy Clerk of App Term  
First Department  
Margaret Sowah  
27 Madison Avenue  
New York, New York, 10010

District Attorney's  
Office  
One Hogan Place  
New York, New York  
10013. Nicholas Bar.

Supreme Court of the State of New York  
Part 71\* Hon LaurA.A.Ward  
100 Centre Street  
New York, New York, 10013

Petition right Reserved



Sworn to before me this

19 day of June, 2018



NOTARY PUBLIC OFFICIAL

ANTONIO MIGUEL FRAZIER  
Commissioner of Deeds  
No. 0-175  
Qualified in Kings County  
Commission Expires May 1, 2020

6/19/18

At a term of the Supreme Court of the State of New York, held in  
and for the County of New York on the      day of      ,20 .

Present: Hon.      ,Justice

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK:FIRST DEPARTMENT

In the Matter of the Application of  
CORY REID, Petitioner

ORDER TO SHOW CAUSE

-against-

Judge LAURA.A.WARD

Deputy Clerk MARGARET SOWAH

Prosecuting Attorney NICHOLAS BARNES

Respondents

For a judgement pursuant to Article 78  
of the Civil Practice Law and Rules

Upon the annexed affidavit in support of an Order to Show Cause of CORY REID, verified on the <sup>13th</sup> day of June, 2018, the verified petition, sworn to on the <sup>13th</sup> day of June, 2018 It is

ORDERED that respondents Judge LAURA.A.WARD, Deputy Clerk MARGARET SOWAH, Prosecuting Attorney NICHOLAS BARNES show cause at a term of this court to be held in the county of New York on the day of      ,20      , or as soon thereafter counsel may be heard why judgement should not be made and entered in this matter pursuant to Article 78 of the Civil Practice Law and Rules:

VACATING and setting aside respondent Margaret Sowah's decision to team up with respondents Laura.A.Ward and Nicholas Barnes and deny the petitioner his civil right to petition the Government (First Department) for a redress of Grievances.

DIRECTING respondent Laura.A.Ward to stop warring with her oath and grant the petitioner his federal right to have the trial judge keep the balance nice clear and true between the petitioner and the State.

GRANTING such other and further relief as the court may deem just and proper. It is further

ORDERED that pending the hearing of this special proceeding

and papers pursuant to section 7805 of the N.Y.Civil Practice Law and Rules, respondents and all other officers, employees, agents, attorneys and persons working in active concert or participation with respondents are stayed and prohibited from taking action related to or enforcing respondents Margaret Sowah's decision. It is further

ORDERED that service of a copy of this order, together with the papers upon which it is granted upon both the respondents MARGARET SOBAH, NICHOLAS BARNES, LAURA.A.WARD and the Attorney General by mail, on or before shall be sufficient.

ENTER:

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JUSTICE OF THE SUPREME COURT

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

---

In the Matter of the Application of  
CORY REID, Petitioner

--against--

Judge LAURA.A.WARD  
Deputy Clerk MARGARET SOWAH  
Prosecuting Attorney NICHOLAS BARNES  
Respondents

For a Judgement Pursuant to Article 78  
of the Civil Practice Law and Rules

---

AFFIDAVIT IN SUPPORT OF  
ORDER TO SHOW CAUSE  
Index No. \_\_\_\_\_

STATE OF NEW YORK  
COUNTY OF KINGS

I, CORY REID, Being duly sworn, desposes and say:

I am the petitioner in the above-entitled proceeding.

I make this affidavit in support of my annexed application for an Order to Show Cause to prosecute the attached petition pursuant to Article 78 of the Civil Practice Law and Rules which challenges Margaret Sowah decision to team up with Laura A ward and nicholas barnes and deny the petitioner his civil right to petition the government for a redress of grievances.

The decision complained of is unlawful because A public Employee's official conduct must at all times conform to the obligations of loyalty to the government.

Petitioner seeks to proceed by Order to Show Cause rather than by notice of petition(1)because him being incarcerated cannot effect personal service on respondents by notice of petition.(2)If given a chance the petitioner can succeed on merits from a fair ground of litigation that will tip decidedly toward petitioner requesting relief.

Petitioner designates New York County as Place of venue.

No previous application for the relief requested herein has been made.

I have moved by the annexed affidavit for a reduction/waiver of the filing fees./

WHEREFORE, Petitioner respectfully request that this court enter an Order DIRECTING respondents to show cause why a judgment should not be made and entered pursuant to Article 78 of the Civil Practice Law and Rules Compelling respondent Ward to grant the petitioner his civil right to have the trial judge keep the balance nice clear and true between him and the state. GRANTING such other and further relief as the court may deem just and proper.

CORY READ

BKDC-275 Atlantic Av BK NY 11209

Sworn to before me this

13 day of June, 2018  
Antonio Miguel Frazier

NOTARY PUBLIC OFFICIAL

ANTONIO MIGUEL FRAZIER  
Commissioner of Deeds  
No. 243375  
Qualified in Kings County  
Commission Expires May 1, 2020  
6/13/18

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK:FIRST DEPARTMENT

---

In the Matter of the Application of  
CORY REID, Petitioner

P E T I T I O N

Index No. \_\_\_\_\_

-against-

Judge LAURA.A.WARD

Deputy Clerk MARGARET SOWAH

Prosecuting Attorney NICHOLAS BARNES

Respondents

For a Judgement Pursuant to Article 78  
of the Civil Practice Law and Rules

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To THE SUPREME COURT OF THE STATE OF NEW YORK FOR THE  
COUNTY OF NEW YORK:

The Petition of CORY REID, Complaining of the respondents LAURA.A.WARD, MARGARET SOWAH, NICHOLAS BARNES, respectfully alleges:

The petitioner is the defendant in an on-going criminal case in the County of New York, 100 Centre Street, Part 71.

Respondent Laura.A.Ward is the presiding judge in that on-going criminal case.

Respondent Nicholas Barnes is the prosecuting attorney in that on-going criminal case.

Respondent Margaret Sowah is the Deputy Clerk in the Appellate Division First Department. Her responsibilities include supervising and providing legal guidance to legal and clerical staff, implementing the policies of the court, making personnel determinations and serving on various court administrative committees. From November 2011 to present.

\*No authority can, on any pretense whatsoever, be exercised over the Citizens of this State, but such as is or shall be derived from and granted by the people of this State. Civil Rights Law 2

Sham litigation must constitute the pursuit of claims so baseless that no reasonable litigant could realistically expect to secure favorable relief. Thus, if an objective litigant could conclude that the suit is reasonably calculated to elicit a favorable outcome, the suit is immunized under the first Amendment, U.S. Const. amend. 1.

The petition Clause of the First Amendment protects the rights of individuals to access the courts for the resolution of legal disputes.

**\*Procedural History that led up to this Petition\***

On or about December 4 of 2017 the petitioner was arraigned in Supreme Court part 71 on a two count indictment that is defective in its use.

On or about the 7th day of December of 2017 the petitioner submitted a Pre-trial Pro-se motion pursuant to CPL.210.20 sub 1 subsection A to dismiss due to the indictment being jurisdictionally defective.

The 42 U.S.C.S. 1983 "Under color of state law" requirement can be met where the defendant either: (1) acts in his or her official capacity or (2) purports to act according to official power.

Sometime around in December of 2017 respondent Laura A. Ward contacted the petitioner's legal advisor and told him to forward to the petitioner an omnibus motion. Respondent Ward did that so maybe the petitioner can forget about his 210.20 motion already forwarded to part 71. And because the 210.20 motion warranted a finding in the petitioner's favor.

Around January 5 of 2018 the petitioner received that omnibus motion at the jail known as Brooklyn Detention Complex.



On or about January 6 of 2018 the petitioner forwarded to respondent Laura.A.Ward an AFFIDAVIT to be rebutted talking about how she is retaliating against the petitioner for making a grievance against respondent Barnes(indictment).

Respondent Ward never rebutted the affidavit which means that whatever the petitioner stated is true.

After respondent Nicholas Barnes submitted his affirmation in response to petitioners 210.20 motion(barnes never contested the 210.20 subsection h part of motion). Respondent Ward denied her own motion in a decision and order of the court dated March 14 2018.

On or about March 28 of 2018 the petitioner submitted to this Appellate Term a writ of Mandamus compelling respondent Ward to answer the petitioner's motion the subsection's A and H part of it.

On or about June 5 of 2018 this Court unlawfully denied the writ leaving the petitioner with no other remedy except to wait for an appeal.

Going back to the 3rd day of April of 2018 when the petitioner forwarded to this Appellate Term three(3)Article 78's against respondent Laura.A.Ward(2 against only her) and one against her and David Simon(arresting officer). Then on the 11th day of April of 2018 the petitioner forwarded to this Appellate Court another Article 78 against respondents Ward and Barnes. Then on the 19th day of April of 2018 the petitioner forwarded to this court another Article 78 against several respondents including respondent Ward.

Mandamus is a drastic remedy available only in the most extraordinary of situations in response to an act amounting to a judicial usurpation of power. A petitioner must show that he has a clear and indisputable right to issuance of the writ, and it will issue only when the party seeking the writ can show that he has no other adequate means to obtain the relief requested.

Sometime around May of 2018 the petitioner recieved via mail all of the article 78's dated april 3 of 2018 and the one dated april 11 of 2018 stating that the petitioner had to file them in the lower court. Respondent Margaret stated that and she was practicing law for 28 years and she did not know about CPLR 506 B1, and Respondent worked for the New York State Court of Appeals. That only conclude one thing that respondents Barnes and Ward told her to do the latter.

On or about May 9 of 2018 the petitioner forwarded to Margaret an affidavit stating that Ward and Barnes told her to do that(unfile those article 78's).

On or baout the 10th day of May of 2018 the petitioner forwarded to Margaret a letter telling her about CPLR 506 B 1.

On or about the 11th day of May of 2018 the petitioner forwarded to Margaret another letter.

On or about the 18th day of May of 2018 respondent Margaret forwarded to the petitioner a notice stating that he has two return dates one for May-15-2018 and one for June 20 of 2018. But the one for May 15 2018 was put back after the petitioner forwarded to Margaret the affidavit dated May 9 of 2018 because when the petitioner called the motion officer prior Renae told him that he had two return dates obne for 5-8-2018 and one for 5-15-2018.(212)340-0422.

On or about Masy 17 of 2018 the petitioner forwarded to Respondent Margaret another letter.

On or about May 23 of 2018 the petitioner fprwarded to Margaret another letter.

On or about the 12th day of June 2018 the petitioner forwarded to Margaret an affidavit.

The petitioner is claiming that respondent Margaret Sowah is helping respondents Laura.A.Ward and Nicholas Barnes conceal Article 78's because respondent Ward wants to keep the petitioner around, neither one of the respondents listed wants the petitioner to receive the fundamental fairness he is entitled to encompassed by the notion of due process. Nor do any one of the respondents listed want the petitioner to receive a favorable outcome in any of the special proceedings commenced(3-28-2018,4-3-2018,6-20-2018). In all of the special proceedings commenced the petitioner has a clear legal right to the relief sought. The petitioner believes that Margaret Sowah is rigging the proceedings for the other two respondents.

For respondent Ward getting respondents Sowah and Barnes to team up with her for her own personal reasons to deprive the petitioner is unconstitutional. CPLR 3017A.

Attached is all of the letters and affidavits mentioned in petition. Also attached is the accusatory from part 71.

Mandamus is an extraordinary remedy and is not normally granted if the relief sought could be obtained through a direct appeal.

The petitioner cannot file a direct appeal claiming that the deputy clerk of the appellate division is teaming up with the presiding judge and prosecuting attorney to deny the petitioner civil rights.

Both the Free Speech Clause and the Petition Clause protect personal expression', both expression generally and expression directed towards the government for the specific purpose of asking it to right a wrong.

The law is settled that as a general matter the first Amendment prohibits government officials from subjecting an individual to retaliatory actions for speaking out.

A petition may undoubtedly consist of a personal grievance addressed to the government. But petitions to the government assume an added dimension when they seek to advance political, social, or other ideas of interest to the community as a whole. A petition need not take a specific form, and may include an oral grievance.

The right to petition is cut from the same cloth as the other guarantees of the first Amendment, U.S. Const. amend. 1, and is an assurance of a particular freedom of expression. The Petition Clause is inspired by the same ideals of liberty and democracy that gave us the freedom to speak, publish, and assemble. These First Amendment rights are inseparable.

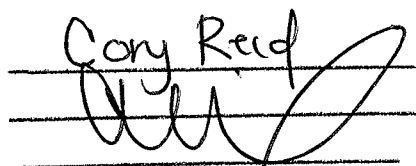
The right to petition the government is one of the most precious of the liberties safeguarded by the Bill of Rights. The very idea of a government, republican in form, implies a right on the part of its Citizens to meet peaceably for consultation in respect to public affairs and to petition for a redress of grievances. Petitioning serves numerous, fundamental interests of petitioners and the government alike. It is essential to freedom, liberty and self-government. Petitions contribute to the public airing of disputes, the evolution of the law, and the use of government as an alternative to force.

\*Neither Justice nor right should be sold to any person, nor denied, nor deferred; and writs and process ought to be granted freely and without delay, to all persons requiring the same, on payment of the fees established by law. Civil Rights Law 10.\*

No previous application has been made for the requested relief.

WHEREFORE, Petitioner respectfully request that judgement be entered pursuant to Article 78 of the Civil Practice Law and Rules.

This Court should issue and order ENJOINING Respondent Margaret Sowah from teaming up with respondents Ward and Bartnes to deprive the petitioner of his right to file article 78's in this court (1st department). This court should also issue an order DIRECTING respondent Ward to keep the balance nice clear and true between the state and the petitioner, so Margaret could stop tampering with the 78's and no more substantial justice will be infringed upon the petitioner. GRANTING damages this deems just and proper at least to reimburse the petitioner for the postal stamps sending the 78's twice. Granting such other and further relief as the court may deem just and proper. CPLR.3017 A.

Cory Reed  


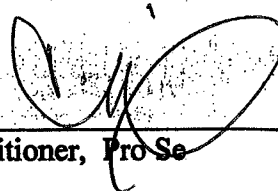
Petitioner, Pro-SE

June-13<sup>th</sup>-2018

## VERIFICATION

STATE OF NEW YORK)  
COUNTY OF KINGS ) SS.:

Cory Reid, being duly sworn, deposes and says that deponent is the petitioner in the above captioned proceeding, that he has read the foregoing petition and knows the contents thereof, that the same is true to deponent's own knowledge, except as to matters therein stated upon information and belief, which matters deponent believes to be true.

  
\_\_\_\_\_  
Petitioner, Pro Se

Sworn to before me this

13 day of June 2018



Notary Public, State of New York

ANTONIO MIGUEL FRAZIER  
Commissioner of Deeds  
No. 2-10375  
Qualified in Kings County  
Commission Expires May 1, 2020

6/13/18

REQUEST FOR JUDICIAL INTERVENTION

REQUEST FOR JUDICIAL INTERVENTION

Index No. \_\_\_\_\_

SUPREME COURT, NEW YORK COUNTY

DATE PURCHASED

PLANTIFF: CORY REID

Las entry date: \_\_\_\_\_

Judge assigned: \_\_\_\_\_

DEFENDANTS: LAURA.A.WARD, NICHOLAS BARNES, MARGARET SOWAH

Rji date: \_\_\_\_\_

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NATURE OF JUDICIAL INTERVENTION

☒ ORDER TO SHOW CAUSE

Return date for June 20 2018

NATURE OF ACTION OR PROCEEDING

Special Proceedings

☒ Article 78

Is this a Special Proceeding against a

Municipality: Yes

Public Authority: Yes

Does this Proceeding seek equitable relief: Yes

Does this proceeding seek recovery for personal damages: Yes

Does this proceeding seek recovery for property damage No

Estimated time ready for trial 1 Month

CORY REID BKDC 275 Atlantic Avenue BK NY 11201

LAURA.A.WARD 100 Centre Street NY NY 10013

NICHOLAS BARNES ONE HOGAN PLACE NY NY 10013

MARGARET SOWAH 27 MADISON AVENUE NY NY 10010



APPLICATION FOR INDEX NUMBER

APPLICATION FOR INDEX NUMBER

Pursuant to section 8018, New York Civil Practice Law and rules

TITLE OF ACTION: ARTICLE 78 ORDER TO SHOW CAUSE

CORY REID, 275 Atlantic AVENUE BKLYN NY 11201

LAURA.A.WARD, 100 CENTRE STREET NY NY 10013

NICHOLAS BARNES ONE HOGAN PLACE NY NY 10013

MARGARET SOWAH 27 MADISON AVENUE NY NY 10010

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SUPRME COURT, NEW YORK COUNTY

CORY REID, Petitioner.

v

LAURA.A.WARD, JUDGE

NICHOLAS BARNES, PROSECUTOR

MARGARET SOWAH, DEPUTY CLERK OF APPELLATE DIVISION 1st DEP.

---

Index Number

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK:1st DEPARTMENT

In the Matter of the Application of  
CORY REID, Petitioner

-against-

JUDGE WARD PART 71 et al  
Respondents

AFFIDAVIT IN SUPPORT  
OF APPLICATION FOR FEE  
REDUCTION/WAIVER  
PURSUANT TO NYCPLR  
1101(F).

For Adjudgement Pursuant to Article 78  
of the Civil Practice Law and Rules

I, Cory Reid, being duly sworn, depose and say:  
I am the petitioner in the above entitled proceeding. I am an inmate in a County Correctional facility, Brooklyn Det. Com, 275 Atlantic Avenue, BK, NY, 11201 and I submit this affidavit in support of my application for a reduction/waiver of the filing fees pursuant to NYCPLR 1101(F) (and that an attorney be assigned to represent me 1102 A)

I currently receive income from the following sources, exclusive of correctional wages NONE

List property

Value

NONE

NONE

I have no savings, assets, property, or income other than asset forth herein.

I am unable to pay the filing fee necessary to prosecute this proceeding.

No other person who is able to pay the filing fee has a beneficial interest in the result of this proceeding.

The facts of my case are described in my claim and other papers filed with the court.

☒ I have made no prior request for this relief in this case.

SWORN TO BEFORE ME THIS

13 day of June, 2019

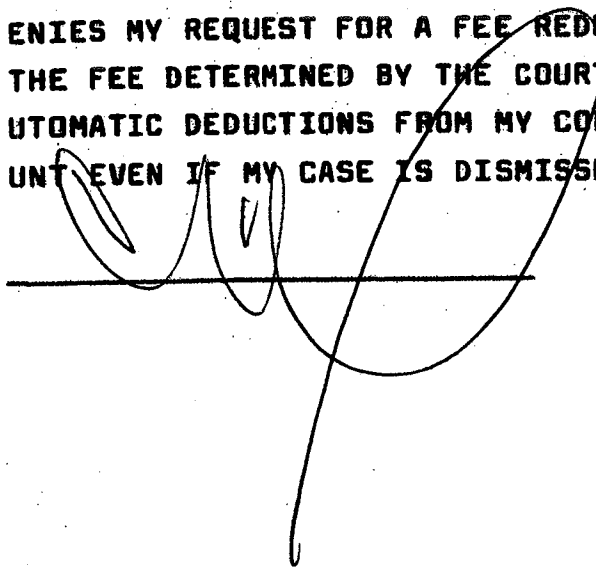
Antonio Lopez  
NOTARY PUBLIC OFFICIAL

ANTONIO MIGUEL LOPEZ  
Commissioner of the County of Kings  
No. 540076  
Qualified in Kings County  
Commission Expires May 1, 2020  
6/13/19

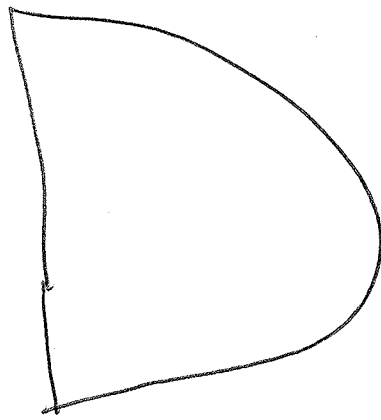
I, Cory Red, inmate number 8891709514, request and authorize the agency holding me in custody to send to the clerk of the court certified copies of the Correctional facility trust fund account statement (or the institutional equivalent) for the past six months.

I further request and authorize the agency holding me in custody to deduct the filing fee from my correctional facility trust fund account (or the institutional equivalent) and to disburse those amounts as instructed by the Court. This authorization is furnished in connection with the above entitled case and shall apply to any agency into whose custody I may be transferred.

I UNDERSTAND THAT I MAY HAVE TO PAY THE ENTIRE FEE IF THE COURT DENIES MY REQUEST FOR A FEE REDUCTION. MOREOVER, I UNDERSTAND THAT THE FEE DETERMINED BY THE COURT WILL BE PAID IN INSTALLMENTS BY AUTOMATIC DEDUCTIONS FROM MY CORRECTIONAL FACILITY TRUST FUND ACCOUNT EVEN IF MY CASE IS DISMISSED.



EXHIBIT



Aug-17-2018

Cory Reid  
215 Atlantic Av  
Brooklyn NY 11201  
BKDC-3891709514

D

Margaret Sowat  
Deputy Clerk  
App Term, First Dep  
27 Madison Avenue  
NY NY 10010

AFFIDAVIT  
Request

Susanna Molina Rojas  
Clerk of Court  
App Term, First Dep  
27 Madison Avenue  
NY NY 10010

Subject: July-11-2018 Article 78 Petition...  
Greetings ladies, Cory Reid at your attention, today  
I am writing to ask your two(2) can you please  
file (CPLR 2102 c) my July-11-2018 Article 78 petition  
that was forwarded to this Appellate Term, First  
Department Certified mail. The reason I am asking

you to file (CPLR 2102 c) it for me is because it  
is highly merited.

Cory Read declares under penalty of perjury and sworn to  
before a Notary public of the Brooklyn Detention Complex  
that he did ask Susanna Rojas and/or Margaret Smith  
to file (CPLR 2102 c) his July-11-2018 Article 78 petition, already  
forwarded to that Court almost 30 days ago.

Right to Petition the  
Government is Reserved  
Aug-17-2018.

Sworn to before me this

17 day of Aug, 2018  
Antonio Frazier  
NOTARY PUBLIC OFFICIAL

ANTONIO MIGUEL FRAZIER  
Commissioner of Deeds  
No. 2-13375  
Qualified in Kings County  
Commission Expires May 1, 2020  
8/17/18

\*PROOF OF SERVICE\*

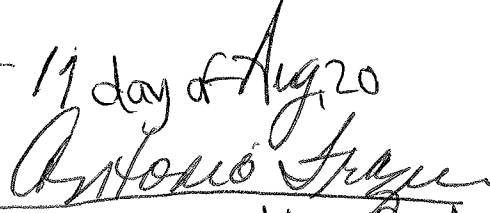
STATE OF NEW YORK  
COUNTY OF KINGS

I, CORY REID, being duly sworn, depose and say:

THAT, pursuant to the MailBOX Rule, Cory Reid, on this 16th day of August, 2018, placed and submitted in the Postal Receptacle of the New York City Correctional facility known as the Brooklyn Detention Complex, Two(2) AFFIDAVIT Request, to be duly mailed via the United States postal Service to Margaret Sawall Deputy Clerk of Appellate Division, First Department and Ssanna Molina Rojas, the Clerk of Court of the Appellate Division, First Department both Located at 27 Madison Avenue, NY, NY, 10010.

Right to Petition the  
Government is Reserved  
  
Aug 16 2018

Sworn to before me this

- 11 day of Aug 20  
  
NOTARY PUBLIC OFFICIAL

ANTONIO MIGUEL PRAZIER  
Commissioner of Deeds  
No. 2-13375  
Qualified in Kings County  
Commission Expires May 1, 2020  
8/17/18



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

---

CORY REID, Plaintiff

-against-

1st

Deputy Clerk MARGARET SOWAH  
Clerk of Court SUSANNA MOLINA ROJAS  
Supreme Court Judge LAURA.A.WARD  
Prosecuting Attorney NICHOLAS BARNES  
Defendants

---

A F F I D A V I T....

STATE OF NEW YORK  
COUNTY OF KINGS

I, CORY REID, being duly sworn, depose and says:

The issue of standing to litigate in federal court is jurisdictional and not subject to waiver. LEWIS v. CASEY, 518 US 343.

Federal courts have no power to presume and remediate harm that has not been established. LEWIS v. CASEY, 518 US 343.

The Constitutional Right of access to the Courts is violated where Government officials obstruct legitimate efforts to seek Judicial redress. Whitfield v. Imperatrice, 477 Fed. Appx. 806. UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT.

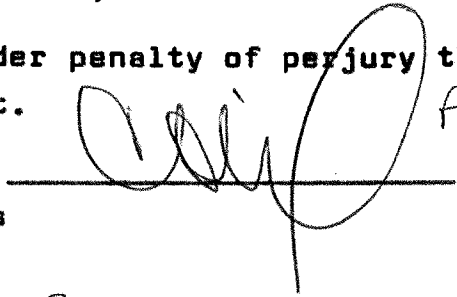
Cory Reid is a defendant in a criminal prosecution. The prosecution is taking place in the country of New York.(Manhattan).

Pursuant to the First and Fourteenth Amendments of the U.S. Constitution. And CPLR 506 B 1 and CPLR 2102(C), Cory Reid forwarded to the Clerk of Court(Susanna Molina Rojas) App Term First Dept an Article 78 Petition(non-frivolous) against Supreme Court Judge Laura.A.Ward compelling her to transfer indictment number 4445-2017 back to her court part to dismiss since she had no authority to transfer it. Cory Reid forwarded that Article 78 on July-11-2018 certified mail with return receipt requested.

On July-19-2018 Cory Reid forwarded to the clerk of Court(Susanna Molina Rojas) App Term First Dept another Article 78 Petition against Supreme Court Judge Laura.A.Ward vacating and setting aside her plain error that she did not reduce pursuant to People v Cory Reid, 3739/2015. That Article 78 Petition was also forwarded Certified mail with return receipt requested.

On Aug-9-2018 the clerk's office(Susanna Molina Rojas) forwarded to the plaintiff a correspondence about his July-19-2018 Article 78 Petition only no mention about his July-11-2018 Petition. Since Margaret Sowah already denied the plaintiff of his right to access the courts, she is telling Susanna Rojas to do it to. Laura A Ward told Margaret that 'don't worry Cory Reid is not going to file a Civil Rights Complaint against you because once he gets released he is going right to drugs, trust me, he had an opportunity to file a civil rights complaint against me twice and he didn't that is how I know, he went back to drugs when he got released, you okay Margaret trust in me'... Stop him from filing those Article 78's and when he gets convicted for a felony that is really a misdemeanor without a grand Jury indictment, he will not worry about us he will worry about drugs(crack-cocaine)when finally released on appeal. Now Margaret is telling Susanna Rojas the same thing. In order to imprison a person prior to trial, the government must comply with the Federal Constitution and any applicable statutory provisions. BELL v WOLFISH, 441 US 520.

Cory Reid declares under penalty of perjury that the aforementioned is true and correct.

  
AUG-9-2018

Sown to before me this

09 day of 08, 2018

  
NOTARY PUBLIC OFFICIAL

FABIOLA GOMES  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 0100000039  
Qualified in New York County  
My Commission Expires 09-15-2020

\* PROOF OF SERVICE \*

STATE OF NEW YORK  
COUNTY OF KINGS

CORY REID, being duly sworn, depose and says:

That Pursuant to the Mailbox Rule on this <sup>9th</sup> day of August, 2018, placed and submitted in the Postal Receptacle in the New York City Correctional Facility known as the BROOKLYN DETENTION COMPLEX, located at 275 Atlantic Avenue, Bklyn NY 11201 An AFFIDAVIT, to be duly mailed via the United States Postal Service to the following concerned Government Officials involved with depriving Cory Reid of his right to Access the courts:

Susanna Molina Rojas  
App Term, First Dept  
Clerk of Court  
27 Madison Avenue, NY NY 10010

\*\*\*\*\*

Deputy Clerk of first dept  
Margaret Sowah  
27 Madison Avenue  
NY NY 10010

Laura A. Ward  
Supreme Court  
Judge, Part 71  
100 Centre St  
NY NY 10013

Nicholas Barnes  
One Hogan Place  
NY NY 10013  
DA's Office

Sworn to before me this

09 day of 08, 2018

  
NOTARY PUBLIC OFFICIAL

FABIOLA GOMES  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 610000039  
Qualified in New York County  
My Commission Expires 09-15-2020

Supreme Court of the State of New York  
Appellate Division - First Department  
27 Madison Avenue  
New York, N.Y. 10010  
(212) 340-0400

August 2, 2018

Cory Reid (349-17-09514)  
275 Atlantic Avenue  
Brooklyn, NY 11201

Re: Cory Reid v. Hon. Laura A. Ward, JSC, NY

Dear Mr. Reid:

This is to acknowledge receipt of your petition for Writ of Mandamus/Poor Person Relief against Hon. Laura A. Ward, dated July 19, 2018, and calendared for September 20, 2018.

When a decision has been rendered by the court, you will be notified.

Yours truly,

Clerk's Office

EXHIBIT

E

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION, FIRST DEPARTMENT

CORY REID, AFFIANT

- against -

MARGARET O'SAVAL  
DEPUTY CLERK

AFFIDAVIT IN RELATION  
TO DENIAL OF CIVIL RIGHT  
TO PETITION THE GOVERNMENT  
FOR A REDRESS OF GRIEVANCES  
(§ 14th) (Art I sec 8)....

May-9-2018


STATE OF NEW YORK  
COUNTY OF KINGS

I, CORY REID, AFFIANT, being duly sworn, depose AND SAY:

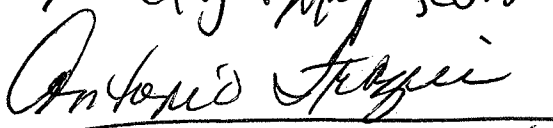
- 1 That, upon information and belief, Margaret, Laura Award and Nicholas Barnes told you to unfile and return to Cory Reid four orders to show cause. Here's How
- 2 That, the affiant called the motion office and Renae told me that I had to return date's so far, one for 5-8-2018 and one for 5-15-2018. (212) 340-0422
- 3 Petitioner and affiant Cory Reid relies on; In Re Cory Reid v Katherine Bajule, et al, 180 A.D.3d 627 SUPREME COURT OF NEW YORK, APPELLATE DIVISION, FIRST DEPARTMENT, where Lawyer for CYRUS-R. VANCE JR Jessica Olive stated in her OPPOSITION TO Cory Reid's Order to Show Cause pursuant to CPLR

506 sub 1 the Article 78 should be dismissed because the petitioner did not name a judge. She meant all that is required is you name a Judge as a Respondent. And if Jessica Olive knows or found out that law how do you not know it. CPLR 506 sub 1: A proceeding against a justice of the Supreme Court or a judge of a County Court or the Court of General Sessions shall be commenced in the Appellate division in the judicial department where the action, in the course of which the matter sought to be enforced or restrained originated. (the affiant knows CPLR 506 sub 1 to be law)

The Affiant states the above upon information and belief (no 1)  
 \* Enclosed is Two orders to show cause to please refile with this department. (7, 14th) (Art 1 sec 8).  
 Right to petition the Government is Reserved

  
 Affiant  
 May-9-2018

Suam to before me this

9 day of May 2018  
  
 Notary Public Official

ANTONIO MIGUEL FRAZIER  
 Commissioner of Deeds  
 No. 2-13876  
 Qualified in Kings County  
 Commission Expires May 1, 2020

5/9/18

\* Proof of Service \*

STATE OF NEW YORK  
COUNTY OF KINGS

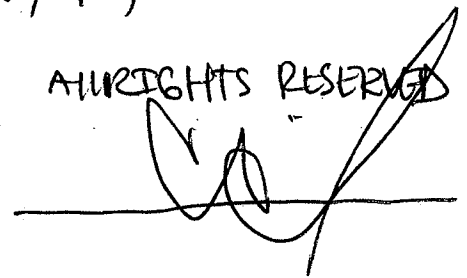
CORY REID, being duly sworn, deposes and says:

That I have on this 9th day of May, 2018, placed and submitted in the postal receptacle in the New York City Correctional facility known as The BROOKLYN DETENTION COMPLEX, located at 275 ATLANTIC AV, BK, NY, 11201, AN AFFIDAVIT IN RELATION TO CIVIL RIGHT TO PETITION THE GOVERNMENT FOR A REDRESS OF GRIEVANCES, to be duly mailed via the United States Postal Service to the following parties in the above caption:

Margaret H. Savai  
Deputy Clerk  
27 Madison Avenue  
NY, NY, 10010  
APPELLATE DIVISION 1st Dep

GRIEVANCE COMMITTEE  
61 Broadway 2nd Fl.  
NY, NY, 10006

ALL RIGHTS RESERVED



Subm to before me this

9 day of May, 2018

Antonio Miguel Frazier

NOTARY Public official

ANTONIO MIGUEL FRAZIER  
Commissioner of Deeds  
Qualified in Kings County  
Commission Expires May 1, 2020



Supreme Court of the State of New York  
Appellate Division - First Department  
27 Madison Avenue  
New York, N.Y. 10010  
(212) 340-0400

May 1, 2018

Cory Reid (#349-17-09514)  
275 Atlantic Avenue  
Brooklyn, NY 11201

Re: M/O Reid v. Hon. Laura Ward, JSC, NY County, et al.  
And M/O Reid v. Hon. Laura A. Ward, JSC, NY County; ADA N.  
Barnes

Dear Mr. Reid:

This is to acknowledge receipt of your correspondence dated April 3 and April 12, 2018, which are being unfiled and returned to you for filing in the Supreme Court.

Your correspondence dated April 3, 2018 directs David Simon; this should be filed in the Supreme Court, not the Appellate Division, First Department. Your correspondence dated April 12, 2018, directs an Assistant District Attorney, and must also be filed in Supreme Court.

Yours truly,

*Notice how she only mentions  
one of the April 3 2018 petitions.*

*Margaret O'Sawal*  
DEPUTY CLERK

Clerk's Office

enc(2)

cc: NYAG

NYDA-Appeals

In re Cory Reid, Petitioner, v Katherine Bajuille, et al., Respondents.  
SUPREME COURT OF NEW YORK, APPELLATE DIVISION, FIRST DEPARTMENT  
150 A.D.3d 627; 52 N.Y.S.3d 854; 2017 N.Y. App. Div. LEXIS 4159; 2017 NY Slip Op 04235  
4145, 100/17, M-1979  
May 30, 2017, Decided  
May 30, 2017, Entered

Notice:

THIS OPINION IS UNCORRECTED AND SUBJECT TO REVISION BEFORE PUBLICATION IN THE OFFICIAL REPORTS.

THE LEXIS PAGINATION OF THIS DOCUMENT IS SUBJECT TO CHANGE PENDING RELEASE OF THE FINAL PUBLISHED VERSION.

Judges: Acosta, P.J., Friedman, Andrias, Webber, Gesmer, JJ.

Opinion

{150 A.D.3d 627} The above-named petitioner having presented an application to this Court praying for an order, pursuant to article 78 of the Civil Practice Law and Rules, Now, upon reading and filing the papers in said proceeding, and due deliberation having been had thereon, It is unanimously ordered that the application be and the same hereby is denied and the petition dismissed, without costs or disbursements.

THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: MAY 30, 2017

From:

May 10, 2018

Cory Reid  
275 Atlantic Av  
Brooklyn NY 11201  
BKDC-3491709514

E

To:  
Margaret O'Saval  
Deputy Clerk  
Appellate Division  
First Department  
27 Madison Av  
NY, NY 10010

: Subject: CPLR 7804(subd(b)) CPLR 506, subd(b).

The Court of Appeals of New York stated in *Nolan v Lungen*, 61 NY.2d 788; Pertinent part: CPLR 7804 subd b concerns the subject matter jurisdiction of the lower courts in article 78 proceedings. Considered with the provision it refers to (CPLR 506, subd b), the statute clearly requires that such a proceeding be commenced in Supreme Court, unless certain judges are named respondents, in which case it must be commenced in the Appellate Division. Also see...

An article 78 proceeding against a Supreme Court Justice or a County Court Judge must be Commenced in the Appellate Division. *Budde v Rubin*, 89 A.D.2d 1016.

An article 78 proceeding which names County Judge as Respondent must be Commenced in Appellate division, Irrespective of whether another party such as district attorney is also named as respondent. *Pollak v Mogavero*, 114 A.D.2d 640.

Article 78 proceeding, alleging that Attorney General lacked authority to intervene in Criminal proceeding against petitioners without governor's authorization, was properly Commenced in Appellate Division pursuant to CPLR 506 b.1 where County Judge was named as respondent, even though other officers were also named as respondents; petition in reality sought relief against Judge in that it sought order prohibiting him from proceeding with trial of indictment. *Haggerty v Himelstein*, 221 A.D.2d 138.

↑  
See Second page  
of Complaint.

Propriety of Supreme Court order appointing Special district Attorney to investigate Certain Criminal activity was question which was properly before Appellate Division Since prohibition is appropriate remedy to void improper appointment of prosecutor" when made by Court. Holtzman v Hellenbrand, 130 AD2d 749

It is a prerequisite to public office or employment to swear an oath or affirmation both to support the federal and state Constitutions and to faithfully discharge the duties of office or employment. Weinstein v New York City Transit Authority, 59 Misc. 2d 170.

"I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of New York, and that I will faithfully discharge the duties of the office of \_\_\_\_\_, according to the best of my ability," and no other oath, declaration or test shall be required as a qualification for any office of \*PUBLIC TRUST\*

A PUBLIC EMPLOYEE's official conduct must at all times conform to the obligations of loyalty to the Government. Koral v Board of Education, 94 NY2d 378

FROM:

Cory Reid  
275 Atlantic Av  
Brooklyn NY 11201  
BKDC-349704514

May-11-2018

E

TO:

Deputy Clerk  
Margaret O'Saval  
App term, first Dep  
27 Madison Av  
NY, NY 10010

NOTICE OF  
Commencement  
of Article 78  
IN first Department.

Subject: CPLR 506 b 1

Margaret O'Saval, Congress says in a statute what it means and means in a statute what it says there, and as long as the language of the statute is plain and 'the sole function of the court is to enforce it according to its terms. In Re Scott, 531 BR Hartford Underwriters Ins. Co. v. Union Planters Bank, NA 530 U.S. 1.

And Margaret CPLR statute 506 b 1 states A proceeding against a justice of the Supreme Court or a judge of a County Court or the Court of General Sessions shall be commenced in the Appellate Division in the judicial Department where the action, in the Court of which the matter sought to be enforced or restrained originated.

I Cory Reid forwarded this Notice to Margaret O'Saval Deputy clerk with order to show cause pursuant to 7th and 14th Amendments.

Cory Reid  
Cory Reid

Sworn to before me this

11 day of May, 2018

Antonio Frazier

Notary Public Official

ANTONIO MIGUEL FRAZIER  
Commissioner of Deeds  
No. 20015  
Qualified to Notary County  
Commission Expires May 1, 2020

5/11/18

May-17-2018

From:  
Cory Reid  
275 Atlantic Av  
Brooklyn NY 11201  
BKAC-3491709514

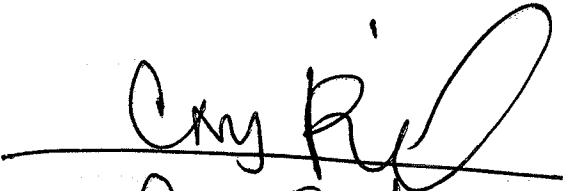
E

to:  
Margaret O'saval  
Deputy Clerk  
App Term  
First Department  
27 Madison Av  
NY NY 10010

Subject: May 7 2018 Correspondence...,


Greetings Margaret, Cory Reid at your attention. Margaret another petitioner in the same jail as me showed me his correspondence from you and it stated in pertinent part underlined with star next to underlined part A separate petition, naming a Supreme Court Justice, may be filed in this Court. Margaret you forwarded back two order to show causes the Petitioner Cory Reid made against Supreme

Judge Laura A. Ward and one against David  
Simon and Laura A. Ward with the Cover letter  
all dated April 6 2018 received.


  
Cory Reid  
May-17-2018


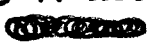



Supreme Court of the State of New York  
Appellate Division - First Department  
27 Madison Avenue  
New York, N.Y. 10010  
(212) 340-0400


  
8C

May 9, 2018

  
B.K.D.C.  
275 Atlantic Avenue  
Brooklyn, NY 11201

Re: M/O  v. Attorney General, State of New York,  
Hon. M. , Criminal Court, APAR1, et al.

Dear Mr. :

This is to acknowledge receipt of your correspondence dated April 26, 2018, which is returned to you for filing in the Supreme Court, Bronx County, as your correspondence directs respondent Criminal Court judge. Your correspondence directs Darcel Clark, District Attorney, Bronx County, and the Attorney General. That petition must be filed in the Supreme Court, Bronx County, not in the Appellate Division, First Department. A separate petition, naming a Supreme Court justice, may be filed  in this Court. If and when you file your notice of petition, it must be notarized and in affidavit form, one copy served on your adversary, and you must file an original and seven copies with this Court, along with a check or money order for \$315, payable to Appellate Division, First Department. A Poor Person affidavit is enclosed.

Yours truly,

  
DEPUTY CLERK

Clerk's Office

enc (2)

Cory Reid  
275 Atlantic Av  
Brooklyn NY 11201  
BKDC-3491709514

**RECEIVED**  
APR 6 - 2018  
APPELLATE DIVISION, SUPREME  
COURT, FIRST DEPARTMENT

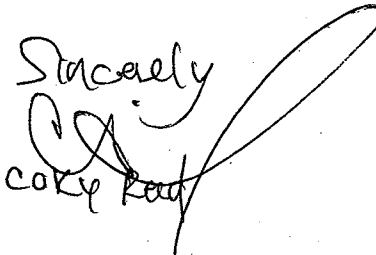
April - 3 - 2018

Clerk's office  
Appellate Division  
Supreme Court of the State of New York  
First Judicial Department  
27 Madison Avenue  
NY, NY 10010

RE: Three Orders to Show Cause

To Whom It may Concern:

Hello my name is Cory Reid and I am a defendant in an ongoing prosecution in the County of New York. I am writing this Cover letter in reference to Three (3) orders to show Cause, and, all three of them is asking for different relief. I respectfully ask this Court to allow me to Commence these special proceedings pursuant to NYCPLR 78 and 7, 14th of U.S. Const. and Art 1 sec 8, 11 of NY State Const. Can this Court consider my papers attached.

Sincerely  
  
Cory Reid

Judge Ward

**RECEIVED**  
APR 6 - 2018  
APPELLATE DIVISION, SUPREME  
COURT, FIRST DEPARTMENT

↑  
Margaret  
you  
wrote  
that

April 7 2018  
Copy Recd against  
Judge Ward only

NO Staples

I was only able to make  
one copy and gave  
this Court original

Judge  
ward



Margaret  
you  
wrote  
just

**RECEIVED**  
APR 6 - 2018  
APPELLATE DIVISION, SUPREME  
COURT, FIRST DEPARTMENT

April 3 2018

Cory Reid  
against  
Judge Ward  
any

NO Staples

I was also only able to make

one copy for this court and gave

this court original

May-23-2018

E

From:  
Cory Reid  
275 Atlantic Av  
Brooklyn NY 11201  
Bkoc-3491709514

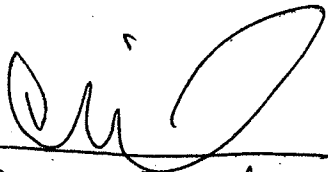
TO  
Margaret O'Sneal  
Deputy Clerk  
App Term: First Dep  
27 Madison Avenue  
N.Y.N.Y. 10010

Subject: Order to Show Cause...

Greetings Ms Margaret Cory Reid at your attention, on  
the 19th of April of the current year Cory Reid forwarded  
to this App Term an order to show cause with the  
following Respondents: JUDGE DarkeH APAR 1, JUDGE mose  
Part C, JUDGE ward Part 71, JUDGE in part C on 11-21-2017,  
All four arresting officers, Def. Att. Yosha Gunasekera, Yosha  
Gunasekera's Supervisor, Mass Transit authority, Prosecuting  
attorney (one before Nicholas Barnes) officer phoenix T.B. 4,  
officer Gheban T.B. 4, M.D. Joseph habbashe, M.D. Cheye  
Snaveley, Legal aid Society, All Grand jury members on  
11-20-2017.

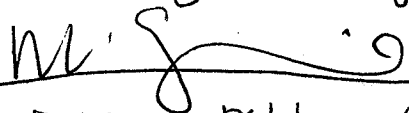
Can This App term please respond to me  
on the subject. Thank you.

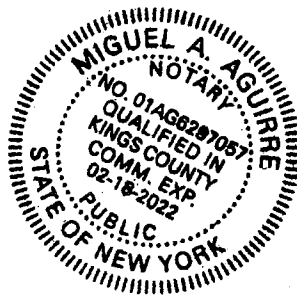
Cory Reid states the above information to be  
true and correct.

  
Cory Reid  
May-23-2018

Sworn to before me this

23<sup>rd</sup> day of May, 2018

  
Notary public official



From:  
Cory Reid  
275 Atlantic AV  
Brooklyn NY 11201  
BKDC-3491709514

June-12-2018  
**RECEIVED**

JUN 13 2018  
APPELLATE DIVISION, SUPREME  
COURT, FIRST DEPARTMENT

AFFIDAVIT

To:  
Margaret Sowat  
Deputy Clerk  
App Term:  
1st Department  
27 Madison AV  
N.Y. N.Y. 10010

Subject: Margaret Sowat/...

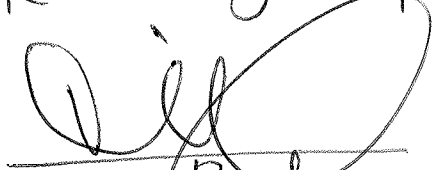
Greetings Margaret, Cory Reid at your attention.  
Maam My Sister forwarded to me your whole  
history (see attachment) and maam, you never got  
back to me on my letter to you dated May  
23, 2018 asking about the order to Show Cause

Pertaining to these respondents, which is that same order to show cause attached which lawfully must get filed with this Court. Judge moses, Judge ward, Judge Darken, Judge in part C on 11-20-2017, All far arresting officers, Yosha Gunasekera's supervisor, mass transit authority, Prosecuting attorney (one before Nicholas Barnes) officer phoenix, officer GHeGan, M.D. Joseph Habbashe, M.D. Cheyenne Shavely, Legal aid Society, All Grand jury members on 11-20-2017. Margaret you worked in the New York State Court of Appeals which proves you knew about CPLR 506 B 7. Also I am making complaints about you to various places stating that Judge Laura ward is giving you directions on Cory Reid's article 78's. Also you did something with the 78's dated April-3-2018, May-11-2018



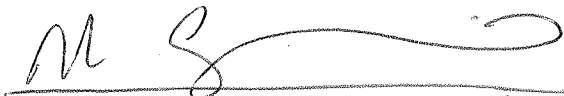
Trust me margaret, I am not going to  
allow you to treat me like this, you are not  
authorized to deny me a Civil right. Margaret  
you never rebutted my affidavit Dated May  
9-2018, I am forwarded that with my Grievances  
against you and Laura ward trust me margaret  
I never give up, trust me, I am going to  
keep fighting for civil Rights margaret, I  
know what you doing.

Attached is a order to show cause with the aforementioned  
respondents I am requesting you file for Cory Reid.

  
Cory Reid  
6-12-2018

Sworn to before me this

12<sup>th</sup> day of June, 2018

  
Notary public official



\*PROOF OF SERVICE\*

STATE OF NEW YORK  
COUNTY OF KINGS

Cory Reid, being duly Sworn, deposes and says:

That I have on this 12<sup>th</sup> day of June of 2018, placed and Submitted in the postal Receptacle in the New York-city Correctional Facility known as Brooklyn Detention Complex located at 279 Atlantic Av, BKlyn NY. 11201, A Affidavit to be duly mailed via the United States postal service to the following parties:


Margaret Savan  
First Dep. Deputy Clerk  
27 Madison Ave  
N.Y. N.Y. 10016

Grievance Committee (2nd Griev.)  
61 Broadway 2nd Floor  
N.Y. N.Y. 10006

Inspector General's office  
25 Beaver Street  
N.Y. N.Y. 10004



Sworn to before me this  
12<sup>th</sup> day of June, 2018

  
NOTARY PUBLIC OFFICER





## Margaret Sowah

Deputy Clerk of the Court, New York Supreme Court, Appellate Division, First Department

### Location

Greater New York City Area

### Industry

Law Practice

### Current

1. New York State Supreme Court, Appellate Division, First Department

### Previous

1. New York State Court of Appeals,
2. Legal Aid Society, Criminal Appeals Bureau,
3. New York City Bar Association

### Education

1. McGill University

89 connections

**View Margaret Sowah's full profile. It's free!**

**Your colleagues, classmates, and 500 million other professionals are on LinkedIn.**

### Experience

•

New York State Supreme Court, Appellate Division, First Department

June-12-2018

E

From:  
Cory Reid  
275 Atlantic AV  
Brooklyn NY 11201  
BKDC-3491709514

AFFIDAVIT

To:  
Margaret Sowaff  
Deputy Clerk  
App Term:  
1st Department  
27 Madison AV  
N.Y. NY 10010

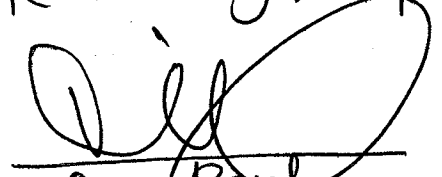
Subject: Margaret Sowaff

Greetings Margaret, Cory Reid at your attention.  
Maam My Sister forwarded to me your whole  
history (see attachment) and maam, you never got  
back to me on my letter to you dated May  
23, 2018 asking about the order to Show Cause

Pertaining to these respondents, which is that same order to show cause attached which lawfully must get filed with this Court. Judge Moses, Judge Ward, Judge Darkett, Judge in part C on 11-20-2017, All four arresting officers, Yosha Gunasekera, Yosha Gunasekera's supervisor, mass transit authority, Prosecuting attorney (one before Nicholas Barnes) officer Phoenix, officer GHeGan, M.D. Joseph Habboushe, M.D. Cheyenne Shavely, Legal aid Society, All Grand jury members on 11-20-2017. Margaret you worked in the New York State Court of Appeals which proves you knew about CPLR 506 § 7. Also I am making complaints about you to various places stating that Judge Laura Ward is giving you directions on Cory Reid's article 78's. Also you did something with the 78's dated April-3-2018, May-11-2018

Trust me margaret, I am not going to allow you to treat me like this, you are not authorized to deny me a Civil right. Margaret you never rebutted my affidavit Dated May 9-2018, I am forwarded that with my Grievances against you and Laura ward, trust me margare I never give up, trust me, I am going to keep fighting for civil Rights margaret, I know what you doing.

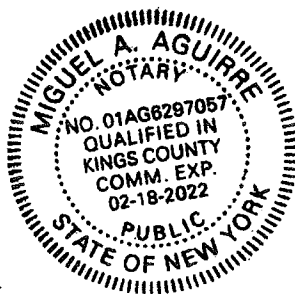
Attached is a order to show cause with the aforementioned respondents I am requesting you file for Cory Reid.

  
Cory Reid  
6-12-2018

Sworn to before me this

12<sup>th</sup> day of June, 2018

  
Notary public official



\*PROOF OF SERVICE\*

STATE OF NEW YORK  
COUNTY OF KINGS

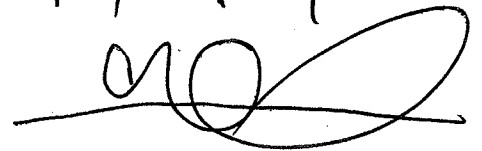
Cory Reid, being duly Sworn, deposes and says:

That I have on this 12<sup>th</sup> day of June of 2018, placed and Submitted in the postal Receptacle in the New York City Correctional Facility known as Brooklyn Detention Complex located at 275 Atlantic Av, BKlyn NY. 11201, A Affidavit to be duly mailed via the United States Postal Service to the following parties:

Margaret Savan  
First Dep. Deputy Clerk  
27 Madison Ave  
N.Y. N.Y. 10016


Grievance Committee (2nd Griev)  
61 Broadway 2nd Floor  
N.Y. N.Y. 10006

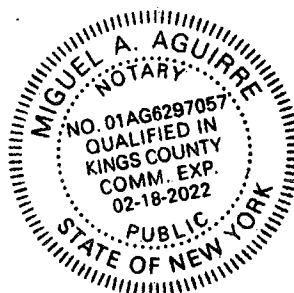
Inspector General's office  
25 Beaver Street  
N.Y. N.Y. 10004



Sworn to before me this

12<sup>th</sup> day of June, 2018

  
NOTARY PUBLIC OFFICER







## Margaret Sowah

Deputy Clerk of the Court, New York Supreme Court, Appellate Division, First Department

### Location

Greater New York City Area

### Industry

Law Practice

### Current

1. New York State Supreme Court, Appellate Division, First Department

### Previous

1. New York State Court of Appeals,
2. Legal Aid Society, Criminal Appeals Bureau,
3. New York City Bar Association

### Education

1. McGill University

89 connections

**View Margaret Sowah's full profile. It's free!**

**Your colleagues, classmates, and 500 million other professionals are on LinkedIn.**

### Experience

New York State Supreme Court, Appellate Division, First Department



November 2011 – Present (6 years 8 months) Greater New York City Area

Assist the Clerk of the Court in providing administrative support to the justices of the New York State intermediate appellate court that hears criminal and civil appeals from the trial courts of New York (Manhattan) and Bronx counties. Diverse responsibilities include supervising and providing legal guidance to legal and clerical staff, implementing the policies of the Court, making personnel determinations and serving on various court administrative committees.

Deputy Chief Appellate Court Attorney, November 2010 to November 2012  
Assisted in administering the day-to-day operations of the court's law department. Reviewed and edited confidential memoranda prepared by court attorneys on appeals and motions. Consulted with the Chief Clerk on a regular basis to formulate policies to improve the court's Law Department.

Supervising Court Attorney, August 2007 to November 2010  
Reviewed and edited confidential bench memoranda and draft opinions prepared by court attorneys on appeals and motions.

Principal Appellate Court Attorney, August 1998 to August 2007  
Researched and analyzed complex issues on appeal from courts of general jurisdiction. Prepared confidential bench memoranda of law, including a recommended disposition and draft decision, for the justices of the court. The memoranda addressed a wide variety of substantive and procedural questions raised in several thousand criminal and civil appeals, motions and applications to the court. Each memorandum contained a summary of relevant facts and analysis of the relevant legal authorities, including those presented by counsel and those identified by independent legal research.

- **Law Clerk to Hon. Carmen Beauchamp Ciparick**

**New York State Court of Appeals**

March 1997 – August 1998 (1 year 6 months) Albany, New York Area

Drafted opinions and prepared memoranda concerning constitutional, statutory, regulatory and other novel questions of law of statewide importance. Analyzed and recommended disposition of hundreds of civil motion reports and criminal leave applications.

- **Legal Aid Society, Criminal Appeals Bureau**

September 1993 – March 1997 (3 years 7 months) New York, New York

Prepared briefs and argued appeals before the Appellate Division, First and Second Departments and the New York Court of Appeals on behalf of indigent criminal defendants. Responsible for all tactical decisions involved in pursuing post-conviction remedies. Prepared applications for leave to appeal to the Court of Appeals.

- **Assistant Director, Legal Referral Service**

**New York City Bar Association**

May 1990 – September 1993 (3 years 5 months) Greater New York City Area

Assisted in the day to day management of the referral service. Trained referral counselors to make referrals of attorneys to the general public. Prepared summaries of law and advised referral counselors on broad areas of law. Conducted legal clinics for the public in housing and poverty law.

## **Education**

- **McGill University**

**Master of Laws (LLM), Comparative Law**

1983 – 1986

**Bachelor of Laws (LLB), Law**

1979 – 1983

June-16-2018

Cory Reid  
275 Atlantic Av  
Brooklyn N.Y. 11224  
Bkdc-3491709514

E

Deputy Clerk  
of Appellate Division  
First Department  
27 Madison Avenue  
New York, New York 10016.

Dear Maam.,

I, Cory Reid is seeing if he can put these  
Grievances in the public's eye, maybe contact  
Some news reporters about you and what you doing.

Cory

Cory Reid  
25 Atlantic Av  
Brooklyn NY 11201  
BKDC-3491709514

June-21-2018

Margaret Sawalt  
Deputy Clerk  
27 Madison Av  
N.Y. N.Y. 10010

Laura A. Ward  
Supreme Court Judge  
Part 71  
100 Centre Street  
N.Y. N.Y. 10013

Subject: April 3rd 2018, Article 78 petitions.,

Margaret, the April 3rd 2018 petitions that you stated you had an return day for May 15 2018, once you unfiled them, unfiling by you is consistent with me withdrawing, meaning the proceeding was effectively abandoned. Margaret once you returned the article 78's to me there was no viable order to show cause on file in the first department. By you unfiling the orders to show cause rather than obtaining from the Court

a new return date by which service would be made of the filed order to show cause and petition, you made a decision to start anew. Along with that decision came the obligation again to comply fully with the statutory requirements, that is, to file the notice of petition and the petition, pay the filing fee, secure an index number, effect service, and file proof of service within the prescribed time period. Since none of those steps were taking, when the petitioner forwarded back those Article 78's attached with affidavit May 9 2018, your notice dated May 18 2018 bearing index no 143/18 for April 3rd 2018 petitions was fictitious.

Got you Margaret, I now rest my search for the Law. You helping Laura Convict a young man that needs help. You got criminal liability Conduct for another (PL 20.00), 18 USC 242, 244

A handwritten signature in cursive script, appearing to read 'Cai', with a long, sweeping horizontal stroke extending to the right.

Cory Reid  
275 Atlantic Av  
Brooklyn N.Y. 11201  
BKDC-3491709514



Margaret Sawatt  
Deputy Clerk  
127 Madison Avenue  
NY, NY 10010

Laura A Ward  
100 Centre Street  
NY, NY 10013  
Part 71.

Cover letter  
For  
Petitions.  
with  
cover letter  
from  
April 3rd 2018

Subject: April 3 petition and May 7 and June 18 notice.

Margaret lets take it from the top. June 18 2018 you told Cory Reid that he can pursuant to law Commence A Petition in this Department if it is against a Judge. So Margaret why did you send me back the april 3rd petitions against Laura A Ward. (see May 7 2018 letter from you and date stamped April 6 from you which is also being forwarded to Laura A Ward). Margaret you trying to switch it up on me with the may 15 2018 return date for index 143/18

because you know what you did. Margaret the affidavit I forwarded to you May 9 2018 asked you to Refile and you stated my writ of prohibition and mandamus has a return date for may 15 2018 then when I stated you did something with the april 3 2018 and may 11 2018 petitions you had to cover your ass because you dealing with a poor looking black guy.


Fast forward meaning moving right along with the April 3rd petitions against Supreme Court Judge Laura A. Ward pursuant to CPLR 506 B7 and 2102(C), Margaret Sawall & Cory Reid is asking you to file these petitions against Laura A. Ward in the first Department with a real return Date, please.

ALL RIGHTS RESERVED

JUNE -22-2018

Sworn to before me this

22nd day of June, 2018

  
NOTARY PUBLIC OFFICIAL





Cory Reid  
275 Atlantic Av  
Brooklyn NY 11201  
BKDC-3491709514

**RECEIVED**  
APR 6-2018  
APPELLATE DIVISION, SUPREME  
COURT, FIRST DEPARTMENT

April-3-2018

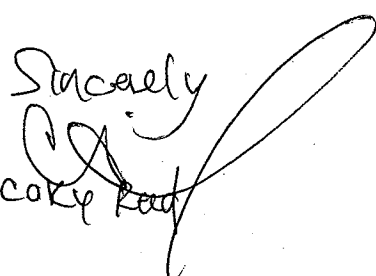
Clerk's office  
Appellate Division  
Supreme Court of the State of New York  
First Judicial Department  
27 Madison Avenue  
NY, NY 10010

RE: Three Orders to Show Cause

To Whom It may Concern:

Hello my name is Cory Reid and I am a defendant in an ongoing prosecution in the County of New York. I am writing this cover letter in reference to Three (3) orders to show cause, and, all three of them is asking for different relief. I respectfully ask this Court to allow me to commence these special proceedings pursuant to NYCPLR 78 and 7, 14th of U.S. Const. and Art 1 Sec 8, 11 of NY State Const. Can this Court consider my papers attached.

Sincerely

  
Cory Reid



Supreme Court of the State of New York  
Appellate Division - First Department  
27 Madison Avenue  
New York, N.Y. 10010  
(212) 340-0400

May 1, 2018

Cory Reid (#349-17-09514)  
275 Atlantic Avenue  
Brooklyn, NY 11201

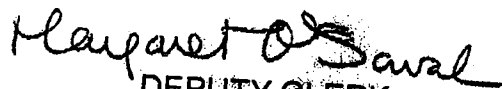
Re: M/O Reid v. Hon. Laura Ward, JSC, NY County, et al.  
And M/O Reid v. Hon. Laura A. Ward, JSC, NY County; ADA N.  
Barnes

Dear Mr. Reid:

This is to acknowledge receipt of your correspondence dated April 3 and April 12, 2018, which are being unfiled and returned to you for filing in the Supreme Court.

Your correspondence dated April 3, 2018 directs David Simon; this should be filed in the Supreme Court, not the Appellate Division, First Department. Your correspondence dated April 12, 2018, directs an Assistant District Attorney, and must also be filed in Supreme Court.

Yours truly,

  
DEPUTY CLERK

Clerk's Office

enc(2)

cc: NYAG

NYDA-Appeals

Judge  
Ward

**RECEIVED**  
APR 10 - 2018  
APPELLATE DIVISION, SUPREME  
COURT, FIRST DEPARTMENT

↑  
Margaret  
you  
wrote  
that

NO Staples

I was only able to make  
one copy and gave  
this Court original

Judge  
wrote

**RECEIVED**  
APR 6 - 2018  
APPELLATE DIVISION, SUPREME  
COURT, FIRST DEPARTMENT

↑  
margaret  
you  
wrote  
that

NO Steps)

I was also only able to make  
one copy for this court and gave  
this court original

6-15-2018

Cory Reid  
275 Atlantic Av  
Brooklyn N.Y. 11201  
BkDC-3491709514

E

Deputy Clerk  
Margaret Sawaff  
First Department  
27 Madison Avenue  
N.Y. N.Y. 10010

**RECEIVED**

JUN 15 2018  
APPELLATE DIVISION, SUPREME  
COURT, FIRST DEPARTMENT

NOTICE OF  
COMMENCEMENT  
OF ARTICLE 78  
PURSUANT TO  
\*THE PETITION CLAUSE\*

Dear Maam,

I, Cory Reid, is putting you on notice that I am Commencing an Article 78 Petition in this department (First), and I am naming you (Margaret Sawaff) as one of the Respondents (The Petition has eight attachments).

Right to Petition is Reserved

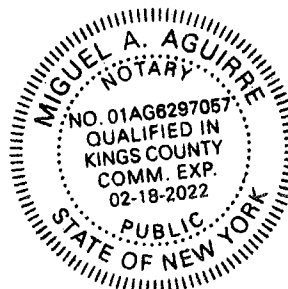
Private citizen 2018

The notary Public of the BROOKLYN DETENTION COMPLEX witnessed under Cory Reid's Signature that he is forwarding this Notice to the App Term 1st Dept's Deputy Clerk Margaret Sawaff.

witnessed on the

15<sup>th</sup> day of June, 2018

  
NOTARY PUBLIC OFFICIAL



***Constitutional Law > Bill of Rights > Fundamental Freedoms > Freedom to Petition***

The Petition Clause of the First Amendment protects the rights of individuals to access the courts for the resolution of legal disputes.

***Constitutional Law > Bill of Rights > Fundamental Freedoms > Freedom of Speech > General Overview***

***Constitutional Law > Bill of Rights > Fundamental Freedoms > General Overview***

***Constitutional Law > Bill of Rights > Fundamental Freedoms > Freedom of Assembly***

***Constitutional Law > Bill of Rights > Fundamental Freedoms > Freedom of Speech > Scope of Freedom***

***Constitutional Law > Bill of Rights > Fundamental Freedoms > Freedom to Petition***

The right to petition is cut from the same cloth as the other guarantees of the First Amendment, U.S. Const. amend. I, and is an assurance of a particular freedom of expression. The Petition Clause is inspired by the same ideals of liberty and democracy that gave us the freedom to speak, publish, and assemble. These First Amendment rights are inseparable.

***Constitutional Law > Bill of Rights > Fundamental Freedoms > Freedom of Association***

***Constitutional Law > Bill of Rights > Fundamental Freedoms > Freedom of Speech > General Overview***

***Civil Procedure > Pleading & Practice > Pleadings > Amended Pleadings > General Overview***

***Constitutional Law > Bill of Rights > Fundamental Freedoms > General Overview***

***Constitutional Law > Bill of Rights > Fundamental Freedoms > Freedom of Assembly***

***Constitutional Law > Bill of Rights > Fundamental Freedoms > Freedom to Petition***

When the Court has accords protection to conduct under the petition clause, other First Amendment, U.S. Const. amend. I rights, such as the right to assemble, to associate, or to speak freely on a matter of legitimate public concern, are implicated by the conduct in question and are principal concerns in a court's decision that the conduct should be protected.

***Constitutional Law > Bill of Rights > Fundamental Freedoms***

Official reprisal for protected speech offends the Constitution because it threatens to inhibit exercise of the protected right. To plead retaliation for the exercise of First Amendment rights, a plaintiff must allege (1) constitutionally protected conduct, (2) retaliatory action sufficient to deter a person of ordinary firmness from exercising his constitutional rights, and (3) a causal link between the constitutionally protected conduct and the retaliatory action.

***Constitutional Law > Bill of Rights > Fundamental Freedoms > Freedom to Petition***

***Constitutional Law > Bill of Rights > Fundamental Freedoms > Freedom of Speech > Scope of Freedom***

Both the Free Speech Clause and the Petition Clause protect personal expression', both expression generally and expression directed towards the government for the specific purpose of asking it to right a wrong.

***Civil Rights Law > Section 1983 Actions > Elements > Color of State Law > State Agents***

***Civil Rights Law > Section 1983 Actions > Elements > Color of State Law > State-Authorized Actions***

The 42 U.S.C.S. § 1983 "under color of state law" requirement can be met where the defendant either: (1) acts in his or her official capacity or (2) purports to act according to official power.

***Constitutional Law > Bill of Rights > Fundamental Freedoms***

Whether an act is retaliatory is an objective question. The court asks whether the act would deter a person of ordinary firmness, not whether the plaintiff was deterred. There is good reason for such a rule: the court will not reward government officials for picking on unusually hardy speakers. At the same time, the court recognizes that government officials should not be liable when the plaintiff is unreasonably weak-willed.

***Constitutional Law > Bill of Rights > Fundamental Freedoms***

Where an alleged act of retaliation takes the form of an official's own speech, the court employs a more specific test to determine whether the official's speech amounts to a retaliatory act. The court asks whether there was a threat, coercion, or intimidation, intimating that punishment, sanction, or adverse regulatory action will follow.

***Constitutional Law > Bill of Rights > Fundamental Freedoms***

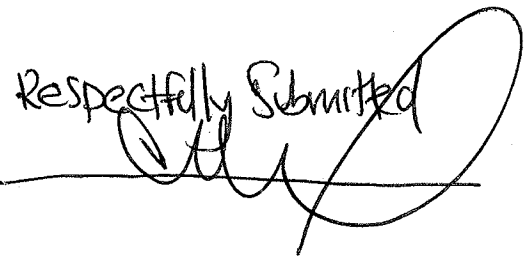
The third element of a retaliation claim requires a causal link between a plaintiff's constitutionally protected activity and the retaliatory act. The required link is but-for causation. Any plaintiff charging official retaliatory action must prove the elements of retaliatory animus as the cause of injury, and the defendant will have the opportunity to respond to a prima facie case by showing that the action would have been taken anyway, independently of any retaliatory animus. One method of proving a causal link, applicable here, is unusually suggestive temporal proximity.

\* PROOF OF SERVICE \*

STATE OF NEW YORK  
COUNTY OF KINGS

CORY REID, being duly sworn, deposes and says:  
That I have on this 15<sup>th</sup> day of June, 2018, placed and submitted in the postal receptacle in the New York City Correctional Facility known as the BROOKLYN DETENTION COMPLEX located at 275 ATLANTIC Avenue, BKLYN, NY 11201, a NOTICE of commencement of Article 78, with an actual article 78 petition that has 8 attachments, to be duly mailed via the United States Postal Service to the following parties in the above action:

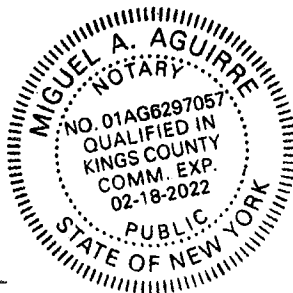
Deputy Clerk  
of App Term 7st Dep  
27 Madison Avenue  
N.Y. N.Y. 10010  
ATTN: Margaret Sowah

Respectfully Submitted  


Sworn to before me this

15<sup>th</sup> day of June, 2018

  
NOTARY PUBLIC OFFICIAL





At a term of the Supreme Court of the State of New York, held in and for the County of New York on the day of \_\_\_\_\_, 2018.

Present: Hon. \_\_\_\_\_ Justice.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

In the Matter of the Application of  
CORY REID, Petitioner

-against-

DAVID SIMON, ARR. OFFICER

LAURA A. WARD, JUDGE  
Respondent

for a JUDGEMENT pursuant to Article  
78 of the civil Practice law and Rules

**RECEIVED**

APR 9 - 2018

APPELLATE DIVISION, SUPREME  
COURT, FIRST DEPARTMENT

ORDER TO SHOW CAUSE

Index no.

Upon the annexed affidavit in support of an Order to Show Cause of CORY REID, verified on the 3 day of April, 2018, the verified Petition, Sworn to on the 3 day of April, 2018 it is

ORDERED that respondents DAVID SIMON, LAURA A. WARD show cause at a term of this Court, to be held in the County of New York on the day of \_\_\_\_\_, 2018, or as soon thereafter counsel may be heard why judgement should not be made and entered in this Matter pursuant to Article 78 of the civil practice law and Rules.

VACATING and setting aside respondent David Simon's decision not to inform the petitioner that the video the people's are using today to prosecute you on is not the same video I used to authenticate your arrest.

DIRECTING respondent David Simon to inform the petitioner the people's are using a different video to prosecute you on, today.

GRANTING such other and further relief as the Court may deem just and proper.

ORDERED that pending the hearing of this special proceeding and pursuant to Section 7805 of the civil practice law and Rules, respondent and all other officers, employees,

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

CORY REID, Plaintiff

-against-

LAURA A. WARD  
MARGARET SCHAH  
Defendants

\*AFFIDAVIT\*

STATE OF NEW YORK  
COUNTY OF KINGS

I, CORY REID, being duly sworn, deposes and says:  
An AFFIDAVIT can be used for unquestionable documentary  
Proof.

\*AFFIDAVIT OF TRUTH\*

June-26-2018

- \* Margaret and Laura first I state this: I can't believe  
your teaming to defeat the Law.
- \* Margaret tell Cory Reid in a Notice if this is good-faith  
and why the response took so long.

Margaret on April 19 2018 Cory Reid forwarded to you  
an order to show cause dated April 19 2018.

Margaret you stamped the Article 78 Dated April 19 2018  
Received April 24 2018. (The first time).

Then on May 1 2018 you forwarded to Cary Reid four  
Article 78's stating they had to be commenced in lower  
court. (no mention on April 19 2018 Article 78)

Then on May 18 2018 you forwarded Cary Reid a notice  
stating he had return dates. (Still no mention on April 19  
2018 Article 78).

Then on May 23 2018 Cary Reid forwarded to you an  
affidavit talking and asking about April 19 2018 Article  
78. (No Reply until after June 12 2018.)

June 12 2018 Cary Reid forwarded to you an affidavit  
stating he was making complaints about you with the  
attached article 78 petition dated April 19 2018. You  
received it June 13 2018 stamped.

55 days later you tell Cary Reid that he cannot  
file that petition in that department which is a lie  
because

Article 78 proceeding, alleging that Attorney General lacked authority to intervene in Criminal proceeding against Petitioners without governor's authorization, was properly commenced in Appellate division pursuant to CPLR 506 B 7 where County Judge was named as Respondent, even though other officers were also named as respondents; petition in reality sought relief against Judge in that it sought order prohibiting him from proceeding with trial of indictment. Haggerty v. Himelen, 221 AD2d 138. Same thing as the April 19 2018 petition that seeks order prohibiting her from proceeding with trial of indictment. See petition. Also

An Article 78 proceeding which names County Judge as Respondent must be commenced in appellate division, irrespective of whether another party such as a district attorney is also named a respondent. Pollak v. Mogavero, 114 AD2d 640. Margaret that means I have no choice but to file the April 19 2018 petition with 27 Madison Ave NY NY 10010.

'You Hid the April 19 2018 Article 78'

Margaret you stated in your June 18 2018 notice that  
Petitions in this Court must name only judges.

Come on now Margaret, from April 24 2018 received  
April 19 2018 petition til June 13 2018 it took you  
55 days to tell Cory Reed that he cannot file that  
petition here, why? and Come on now, tricks are for kids.

Margaret Cory Reed is attaching the April 19th 2018 petition  
and asking you to file it with the first department  
pursuant to Haggerty v Himelien, 221 AD2d 138 AND  
Pollak v Mogavero, 114 AD2d 640 and CPLR 506 B7 LIKE  
they stated. Art 7 sec 8 NY State Const.

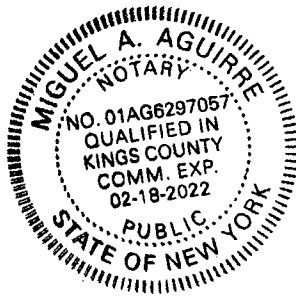
Cory Reed states the 55 days to be true.

ALL RIGHTS RESERVED

Sworn to before me this

26th day of June, 2018


M. S. e  
NOTARY PUBLIC OFFICIAL





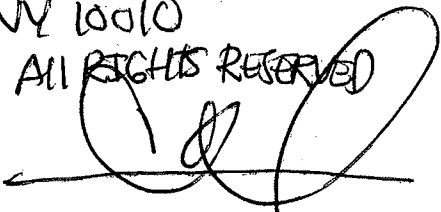
\*PROOF OF SERVICE\*

STATE OF NEW YORK  
COUNTY OF KINGS

I, CORY REID, being duly sworn, declares by his Signature   
THAT, I have on this 26<sup>th</sup> day of June, 2018, placed and submitted  
in the postal receptacle of the BROOKLYN DETENTION COMPLEX,  
located at 275 Atlantic Ave, BKLYN NY 11201, 4 Affidavits, two  
copies of each that relatively talk about how the Deputy Clerk  
Margaret Savatelli who supervise clerical staff in App term 1st  
Dept intentionally delayed Cory Reid's April 3 2018 petitions 77  
Days, and, intentionally concealed his April 19 2018 petition for  
55 Days interfering with protected activity to help out Laura  
Award the judge presiding over his criminal case. And a Cart  
of appeals of New York case law to be duly mailed via the  
United States postal service to: 1 out of 4.

Supreme Court Judge  
Laura Award  
Part 71  
100 Centre Street  
NY NY 10013

Deputy Clerk  
App Term, 1st Dep  
Margaret Savatelli  
27 Madison Avenue  
NY NY 10010

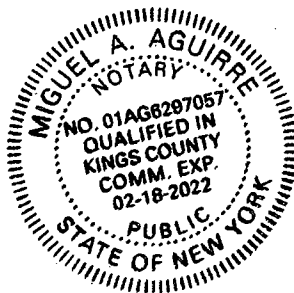
ALL RIGHTS RESERVED  


Sworn to before me this

26<sup>th</sup> day of June 2018

M 

NOTARY PUBLIC OFFICIAL



At a term of the Supreme Court of the State of New York, held in a  
nd for the County of New York on the      day of      , 20      .  
Present: Hon.      , Justice

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

In the Matter of the Application of  
CORY REID, petitioner

-against-

JUDGE DARKEH APAR 1

JUDGE MOSES PART C

JUDGE WARD PART 71

JUDGE IN PART C ON 11-21-2017

ALL FOUR ARRESTING OFFICERS FROM T.B.4

DEF. ATT. YOSHA GUNASEKERA

YOSHA GUNASEKERA's SUPERVISOR

MASS TRANSIT AUTHORITY

PROSECUTING ATTORNEY

OFFICER PHOENIX T.B.4

OFFICER GHEGAN T.B.4

M.D. JOSEPH HABBOUSHE

M.D. CHEYENNE SNAVELY

LEGAL AID SOCIETY

ALL GRAND JURY MEMBERS ON 11-20-2017

Respondents

For a Judgement Pursuant to Article 78  
of the Civil Practice Law and Rules

ORDER TO SHOW CAUSE  
Index No. \_\_\_\_\_

**RECEIVED**

APR 24 2018

APPELLATE DIVISION, SUPREME  
COURT, FIRST DEPARTMENT

Upon the annexed affidavit in support of an Order to Show Cause of CORY REID, verified on the 19<sup>th</sup> day of April, 2018, the verified petition, sworn to on the 19<sup>th</sup> day of April, 2018 It is

ORDERED that respondents DARKEH, MOSES, WARD, JUDGE IN PART C ON 11-21-2017, ALL FOUR ARRESTING OFFICERS, YOSHA GUNASEKERA, YOSHA GUNASEKERA's SUPERVISOR, MASS TRANSIT AUTHORITY, PROSECUTING ATTORNEY, OFFICER PHOENIX, OFFICER GHEGAN, JOSEPH HABBOUSHER, CHEYENNE SNAVELY, LEGAL AID SOCIETY, ALL GRAND JURY MEMBERS ON 11-20-2017 show cause at a term of this court to be held in the county of New York on the      day of      , 20      , or as soon as thereafter counsel may be heard why judgement should not be made and entered in this matter Pursuant to Article 78 of the Civil Practice Law and Rules:

VACATING and setting aside respondents All grand Jurys members on 11-20-2017 decision as null and void when they voted a true bill to indict Cory Reid contrary to CPL.170.20 since they was told and showed by Cory Reid that Cpl.170.20 applies only to cases that originate (arrested for) as misdemeanors. It does not apply to case that originate (arrested for) as felonies.

June-26-2018

E

Cory Reid  
275 Atlantic Av  
Brooklyn NY 11201  
BKDC3491709514

Margaret Savat  
Deputy Clerk  
27 Madison Ave  
NY NY 10010  
App Term. 7st Dep.

LAURA A. WARD  
Supreme Court Judge  
Part 71  
100 Centre Street  
NY NY 10013

\* AFFIDAVIT \*

STATE OF NEW YORK  
COUNTY OF KINGS

I, Cory Reid, being duly sworn, depose and say:



April 3rd 2018 I forwarded three Article 78's against ward, then on April 12 2018 another article 78. April 19 2018 another article 78. After calling motion office Renge told me I had two return dates one for May 8 2018 (March 28 2018 petition mandamus compelling ward to answer A and H part of motion index no 143/18) The other return date was for one against David Simon and Laura ward known now as Moses and ward. (May 15 2018).

May 7 2018 Margaret forwarded back to Cary Reid three April 3rd 2018 petitions including the ones only against judge and one petition against judge and prosecutor (April 12th 2018 petition). But she did not send back the April 19 2018 petition that is stamped received April 24 2018 by her. But she did send back the petition from April 12 2018 that is stamped received April 27 2018, by her. (pay attention Laura ward).

May 9 2018 Cary Reid forwarded to Margaret an affidavit with two Article 78's to please refile for him (the two only against the judge from April 3rd 2018 prohibition and mandamus).

May 10 2018 Cary Reid forwarded to Margaret a letter.

May 11 2018 Cary Reid forwarded to Margaret a letter with a article 78 petition attached against Moses and ward formerly known as David Simon and ward. (May 15 2018).

May 17 2018 Cary Reid forwarded to Margaret a letter showing her how she unlawfully unfiled (withdrew) those April 3rd 2018 and April 12th 2018 petitions. Abandoned the proceedings.

Now we arriving at the thirty day stage that Margaret has not responded to the April 19 2018 petition but it is stamped received April 24 2018, by her. (wanting Reid to forget).

May 23 2018 Cary Reid forwarded to Margaret a letter asking about the April 19 2018 petition, stamped received April 24 2018, by her. (wanting Cary to forget about it) (conviction).

Now around May twenty something of 2018 Cary Reid received via mail a notice from Margaret dated May 18 2018 stating she received the Cary Reid May 10 and 11 letter (not May 9) and has a calendar date for MAY 15 2018 for his writ of prohibition and mandamus citing index NO. 143/18. The prohibition and mandamus is the two against the judge only from April 3rd 2018 that she already unfiled and returned to me May 1 2018 with notice. So that return date is abandoned and the Court wrote 'dismissed'. She must start anew. (No more May 15 2018 return date). (Simon and Ward).

Laura Ward the May 18 2018 is a notice from Margaret and she did not mention the April 19 2018 petition stamped received April 24 2018 by her, why not? (because she wanted to hold out until he gets convicted.)

On June 12 2018 Cory Reid forwarded to Margaret a letter  
 Notarized June 12 2018 with another copy of April 19 2018 petition  
 Both was stamped received June 13 2018 by her. Then all of  
 a sudden Margaret changed the return date index no. 143/18  
 to May 15 2018 (covering herself) also telling Cory Reid he cannot  
 commence a petition in that court against non-judges for  
 Petition notarized April 19 2018 55 days later. In that letter  
 She also has another return date or rather another index  
 no. 145/18 without saying what petition it is or what date  
 it was filed, so Cory Reid can prepare a defense to it. (6, 14)

Conclusion, Margaret and Laura upon information and belief  
 you don't want the April 19 2018 petition to get commenced  
 because it will prove that the grand jurors never voted  
 a true bill against Cory Reid. It will also show what the  
 police did to me was legally unjustified because the video  
 did not arrive until later. And Judge Darkett cannot explain  
 how she remanded me on known to her fake evidence.

Cory Reid is forwarding to Margaret the two April 3rd 2018  
 Petitions against Ward only like Margaret ask. A new June  
 20 2018 petition against Ward only (already forwarded) and  
 the April 19 2018 petition to file pursuant to CPLR 2102(C)

(Margaret changed the May 8 2018 index no 143/18 to ~~5-15-2018~~  
 March-28-2018 petition.)

So Margaret I wrote a few places, right now I got in my possession sixty postal stamps so I can hopefully have someone come to the jail and interview me and I can put you out there and show them all letters and affidavits plus the Article 78's you hiding so I do not win against the judge. Hopefully Margaret, what I am doing with you, has nothing to do with my criminal case. I am not doing that to get released. Remember that Margaret. I never give up.

Yours Truly and Sincerely  
Cory Reid

Never Given up.

Maya Angelou stated the ultimate measure of a man is not where he stands at in moments of comfort and convenience. But where he stands at at times of challenge and controversy.

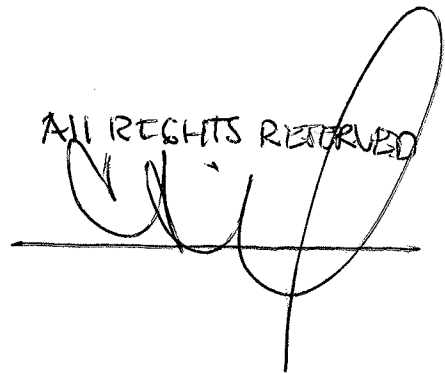
Me against you Margaret, the truth prevails later even if you try and switch things. (in the Computer).  
(Sure you A clerk, Deputy Clerk).

Ultimately Margaret the Court will want to know? Did you have access to falsify official Records and documents to cover your ass after reading the June 12 2018 Affidavit from Cory Reid, because you did misuse this state law CPLR 2102 (c) during business hours while working as a deputy clerk in the clerk's office of the App Term (government) and deprive Cory Reid of his civil Right to Commence petitions in that department because you did not want those petitions to get granted against the person you helping at with or without her knowledge of it.

Laura and Margaret not upon information and belief, but by a preponderance of the evidence it is more likely than not that Margaret read numbers 7 and 2 in the May 9 2018 affidavit forwarded to her via mail (Cory Reid forwarded it again as one of the attachments to Article 78 dated June 13 2018) but it wasn't until she received the June 12 2018 affidavit from Cory Reid that stated he was making Complaints against her and that she did something with the Apr 3rd 2018 and May 11 2018 petitions that she started to cover up shit using her office for official corruption. (Index no. 143/18)


Margaret Savitt in your May 7 2018 notice it states "Your Correspondence dated April 3, 2018 directs David Simons this should be filed in the Supreme Court, not the Appellate Division, First Department. You did not even mention the two only against Judge, but forwarded them back to me contrary to authorization delaying me, helping Laura win.

Cory Reid states that everything in this Affidavit is true, correct and Margaret did it.

ALL RIGHTS RESERVED  


Swear to before me this

26<sup>th</sup> day of June, 2018

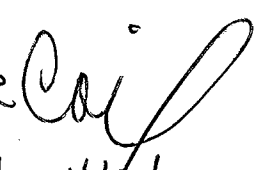
  
NOTARY PUBLIC OFFICIAL





\*PROOF OF SERVICE\*

STATE OF NEW YORK  
COUNTY OF KINGS

I, CORY REID, being duly sworn, declares by his Signature   
THAT, I have on this 26<sup>th</sup> day of June, 2018, placed and submitted  
in the postal receptacle of the BROOKLYN DETENTION COMPLEX,  
Located at 275 Atlantic Ave, BKLYN NY 11201, 4 Affidavits, two  
Copies of each that relatively talk about how the Deputy Clerk  
Margaret Sawahl who supervise clerical staff in App term 1st  
Dept intentionally delayed Cory Reid's April 3 2018 petitions 77  
Days, and, intentionally concealed his April 19 2018 petition for  
55 Days interfering with protected activity to help at Laura  
A. Ward the judge presiding over his criminal case. And a Court  
of appeals of New York case law to be duly mailed via the  
United States postal service to: 1 out of 4.

Supreme Court Judge  
Laura A. Ward  
Part 71  
100 Centre Street  
NY NY 10013

Deputy Clerk  
App Term, 1st Dep  
Margaret Sawahl  
27 Madison Avenue  
NY NY 10010

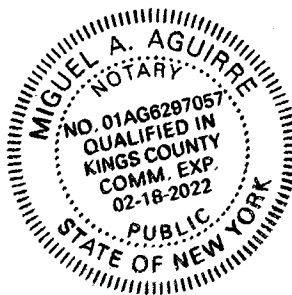
ALL RIGHTS RESERVED

Sworn to before me this

26<sup>th</sup> day of June 2018

M 

NOTARY PUBLIC (OFFICIAL)



At a term of the Supreme Court of the State of New York, held in e  
nd for the County of New York on the day of ,20 .  
Present: Hon. ,Justice

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

In the Matter of the Application of  
CORY REID,petitioner

-against-

JUDGE DARKEH APAR 1  
JUDGE MOSES PART C  
JUDGE WARD PART 71  
JUDGE IN PART C ON 11-21-2017  
ABL FOUR ARRESTING OFFICERS FROM T.B.4  
DEF.ATT.YOSHA GUNASEKERA  
YOSHA GUNASEKERA's SUPERVISOR  
MASS TRANSIT AUTHORITY  
PROSECUTING ATTORNEY  
OFFICER PHOENIX T.B.4  
OFFICER GHEGAN T.B.4  
M.D.JOSEPH HABBOUSHE  
M.D.CHEYENNE SNAVELY  
LEGAL AID SOCIETY  
ALL GRAND JURY MEMBERS ON 11-20-2017

Respondents

For a Judgement Pursuant to Article 78  
of the Civil Practice Law and Rules

ORDER TO SHOW CAUSE  
Index No. \_\_\_\_\_

**RECEIVED**

APR 24 2018

APPELLATE DIVISION, SUPREME  
COURT, FIRST DEPARTMENT

Upon the annexed affidavit in support of an Order to Show Cau  
se of CORY REID,verified on the 19<sup>th</sup> day of April ,2018,the verifie  
d petition,Sworn to on the 19<sup>th</sup> day of April ,2018 It is

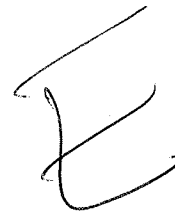
ORDERED that respondents DARKEH,MOSES,WARD,JUDGE IN PART C  
ON 11-21-2017,ALL FOUR ARRESTING OFFICERS,YOSHA GUNASEKERA,YOSHA  
GUNASEKERA's SUPERVISOR,MASS TRANSIT AUTHORITY,PROSECUTING ATTORN  
EY,OFFICER PHOENIX,OFFICER GHERGAN,JOSEPH HABBOUSHER,CHEYENNE SNA  
VELY,LEGAL AID SOCIETY,ALL GRAND JURY MEMBERS ON 11-20-2017 show  
cause at a term of this court to be held in the county of New Yor  
k on the day of ,20 ,or as soon as thereafter counsel ma  
y be heard why judgement should not be made and enterted in this  
mater Pursuant to Article 78 of the Civil Practice Law and Rules:

VACATING and setting aside respondents All grand Jurys memb  
ers on 11-20-2017 decision as null and void when they voted a tru  
e bill to indict Cory Reid contrary to CPL.170.20 since they was  
told and showed by Cory Reid that Cpl.170.20 applies only to case  
s that originate(arrested for)as misdemeanors. It does not apply  
tro case that originate(arrested for) as felonies.



Cory Reid  
275 Atlantic Av  
Brooklyn NY 11201  
BKDC-3491709514

June 26 - 2018



LAURA A. WARD

Part 71

100 Centre Street  
NY NY 10013

\*AFFIDAVIT\*

Margaret Sawah  
First Department  
27 Madison Av  
NY NY 10010

RE: Constitutional Violation...

Margaret Sawah from April 24 2018 to April 30 2018 that is six days. From May 1 2018 to May 31 2018 that is thirty seven days. From June 7 2018 to June 22 2018 that is fifty five days. Margaret it took you fifty five (55) days to forward to Cory Reid a response from April 19 2018. And since one of your responsibilities in the court is to supervise clerical staff you had an affirmative duty to say what you said maybe 50 days earlier instead of 55 days later. Upon information and belief you called Laura Ward and told her the respondents and relief requested and she told you not to file that petition. The source of my belief is

Due to mass transit authority forwarding the video maybe two weeks to court after bail was set by Darkett. Also due to Grand jury not actually voting a true bill against me and me illegally be in Supreme Court with no indictment. Due to Moses granting application for CPL 170.20. Due to ward not dismissing due to the above. Due to money damages incidental to primary relief (\$7806). Next

Margaret in your notice second page first line you stated The petition in this court must name only judges, but you been working in appellate division first department from 2011 to present Supervising Clerical staff so why did you allow this petition to be commenced in Year 2014 with Petitioner Cory Reid against Respondents Judge Laura Awan Judge Michael Jobus, Dis. Att. Cyrus R Vance and Def Att ANNE BRUDMAN and also Year 2017 with Petitioner Cory Reid against Respondents Def Att Katherine Brjuille Detective Victor Lascano, officer Manuel mercedez and prosecuting attorney.

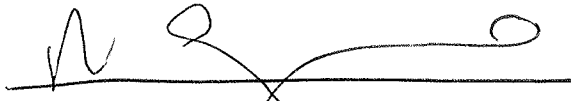
And then Margaret another petition in Year 2015  
with Cory Reid against Laura A-wann and Samuel David (ADA).

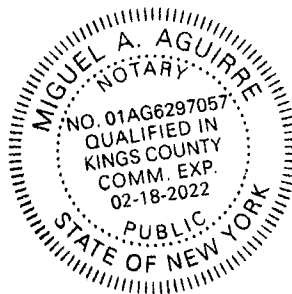
Margaret go check them at I'll be right here in  
Jail waiting for my illegal conviction. But guess what  
Margaret that is not going to end what I got going  
here. Margaret I told you I don't stop fighting for  
Civil Rights. Watch Margaret this has nothing to do  
with the criminal case. You'll see.

To be Continued...  
Civil Rights Stayed

Sworn to before me this

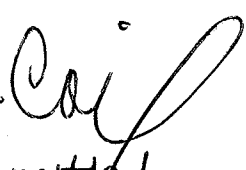
26<sup>th</sup> day of June 2018

  
NOTARY PUBLIC OFFICIAL



\*PROOF OF SERVICE\*

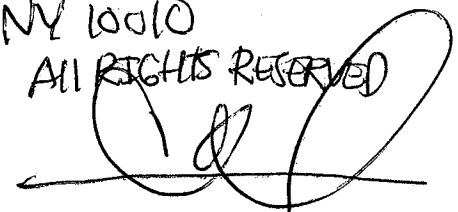
STATE OF NEW YORK  
COUNTY OF KINGS

I, CORY REID, being duly sworn, declares by his Signature   
THAT, I have on this 26<sup>th</sup> day of June, 2018, placed and submitted  
in the postal receptacle of the BROOKLYN DETENTION COMPLEX,  
located at 275 Atlantic Ave, BKLYN NY 11201, 4 Affidavits, two  
copies of each that relatively talk about how the Deputy Clerk  
Margaret Sawahl who supervise clerical staff in App term 1st  
Dept intentionally delayed Cory Reid's April 3 2018 petitions 77  
Days, and, intentionally concealed his April 19 2018 petition for  
55 Days interfering with protected activity to help out Laura  
Award the judge presiding over his criminal case. And a Court  
of appeals of New York case law to be duly mailed via the  
United States postal service to: 1 out of 4.

Supreme Court Judge  
Laura Award  
Part 71  
100 Centre Street  
NY NY 10013

Deputy Clerk  
App Term, 1st Dep  
Margaret Sawahl  
27 Madison Avenue  
NY NY 10010

ALL RIGHTS RESERVED

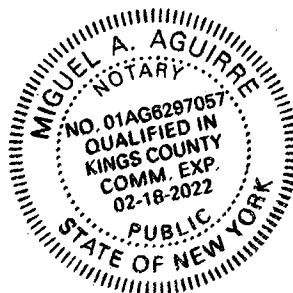


Sworn to before me this

26<sup>th</sup> day of June 2018

M 

NOTARY PUBLIC OFFICIAL



At a term of the Supreme Court of the State of New York, held in a  
nd for the County of New York on the      day of      , 20      .  
Present: Hon.      , Justice

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK**

**In the Matter of the Application of  
CORY REID, petitioner**

**-against-**

**JUDGE DARKEH APAR 1  
JUDGE MOSES PART C  
JUDGE WARD PART 71  
JUDGE IN PART C ON 11-21-2017  
ALL FOUR ARRESTING OFFICERS FROM T.B.4  
DEF. ATT. YOSHA GUNASEKERA  
YOSHA GUNASEKERA's SUPERVISOR  
MASS TRANSIT AUTHORITY  
PROSECUTING ATTORNEY  
OFFICER PHOENIX T.B.4  
OFFICER GHEGAN T.B.4  
M.D. JOSEPH HABBOUSHE  
M.D. CHEYENNE SNAVELY  
LEGAL AID SOCIETY  
ALL GRAND JURY MEMBERS ON 11-20-2017  
Respondents**

**For a Judgement Pursuant to Article 78  
of the Civil Practice Law and Rules**

**ORDER TO SHOW CAUSE  
Index No. \_\_\_\_\_**

**RECEIVED**

**APR 24 2018**

**APPELLATE DIVISION, SUPREME  
COURT, FIRST DEPARTMENT**

Upon the annexed affidavit in support of an Order to Show Cause of CORY REID, verified on the 19<sup>th</sup> day of April, 2018, the verified petition, sworn to on the 19<sup>th</sup> day of April, 2018 It is

ORDERED that respondents DARKEH, MOSES, WARD, JUDGE IN PART C ON 11-21-2017, ALL FOUR ARRESTING OFFICERS, YOSHA GUNASEKERA, YOSHA GUNASEKERA's SUPERVISOR, MASS TRANSIT AUTHORITY, PROSECUTING ATTORNEY, OFFICER PHOENIX, OFFICER GHEGAN, JOSEPH HABBOUSHER, CHEYENNE SNAVELY, LEGAL AID SOCIETY, ALL GRAND JURY MEMBERS ON 11-20-2017 show cause at a term of this court to be held in the county of New York on the      day of      , 20      , or as soon as thereafter counsel may be heard why judgement should not be made and entered in this matter Pursuant to Article 78 of the Civil Practice Law and Rules:

VACATING and setting aside respondents All grand Jurys members on 11-20-2017 decision as null and void when they voted a true bill to indict Cory Reid contrary to CPL.170.20 since they was told and showed by Cory Reid that Cpl.170.20 applies only to cases that originate (arrested for) as misdemeanors. It does not apply to case that originate (arrested for) as felonies.

*E*

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: FIRST DEPARTMENT  
-----

CORY REID, Plaintiff

AFFIDAVIT

-against-

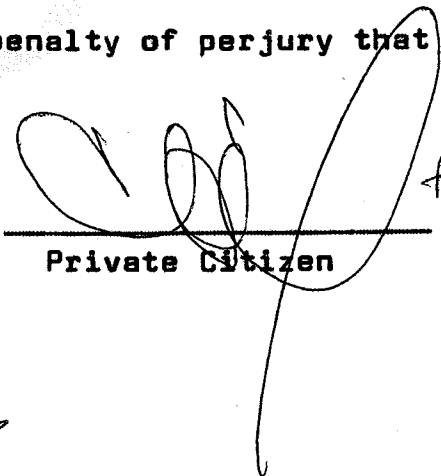
Deputy Clerk MARGARET SOWAH  
Defendant  
-----

STATE OF NEW YORK  
COUNTY OF KINGS

I, CORY REID, being duly sworn, despose and says:

Margaret True or false, when Susanna showed you the Article 78 Petition Cory Reid filed against your friend Laura.A.Ward pursuant to CPLR 506 B1 dated July-11-2018, you quickly snatched it and subsequently put it in a hiding spot that only you and Susanna is aware of. you did it because the Article 78 Petition can get granted and your do not want that. Margaret your do not want the judges to know what your doing that is why you sent Susanna to tell me that I cannot file that Petition against you, ward and Barnes. You sent Susanna so it do not look ex parte.

Cory Reid declares under penalty of perjury that the aforementioned is true and correct.

  
\_\_\_\_\_  
Private Citizen

Aug-10-2018

Sworn to before me this

10 day of August, 2018

  
\_\_\_\_\_  
NOTARY PUBLIC OFFICIAL

FABIOLA GOMES  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01GO0348039  
Qualified In New York County  
My Commission Expires 08-19-2020

FABIOLA GOMES  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01GO0348039  
Qualified In New York County  
My Commission Expires 08-19-2020

EXHIBIT

F



*Supreme Court Appellate Division  
First Department*

F

*27 Madison Avenue  
New York, N.Y. 10010  
212-340-0400*

*Susanna Molina Rojas  
Clerk of the Court*

July 18, 2018

Cory Reid  
BKDC-3491709514  
275 Atlantic Avenue  
Brooklyn, New York 11201

Re: Article 78 Petition against Judge Laura A. Ward, Deputy  
Clerk Margaret Sowah and Prosecuting Attorney Nicholas  
Barnes

Dear Mr. Reid:

On June 18, 2018, this Court received a Notice of Commencement of an Article 78 and an accompanying Order to Show Cause, dated June 15, 2018, by which you sought to file an Article 78 proceeding against Justice Laura A. Ward, Deputy Clerk of the Appellate Division, First Department Margaret Sowah, and Assistant District Attorney Nicolas Barnes.

An Article 78 proceeding is a special proceeding. Under Section 506 of the Civil Practice and Procedure Law (CPLR), only a "proceeding against a justice of the supreme court or a judge of a county court or the court of general sessions shall be commenced in the appellate division." This Court has accepted multiple Article 78 proceedings that you have filed against Justice Ward. However, any proceeding against other court employees or officers who are not supreme court justices or county court judges cannot be filed in the Appellate Division; those proceedings must be filed in the trial court (the Supreme Court in New York County).



Cory Reid  
Page 2  
July 18, 2018

Accordingly, any Article 78 petition against Ms. Sowah or Mr. Barnes, or any other person who is not a justice of the supreme court, will not be accepted for filing in this Court. As you have been instructed, an Article 78 petition filed in this Court must name only judges, and a separate petition against any non-judge must be filed in Supreme Court. Your papers dated June 15, 2018 (Notice of Petition and Order to Show Cause) are being returned for this reason.

Yours truly,



Susanna Molina Rojas

Enc.

Susanna Molina Rojas knows that an Article 78 proceeding which names County Judge as respondent must be commenced in appellate Division, 'irrespective' of whether another party such as a district attorney is also named as a respondent. Pollak v Mogavero, 114 AD2d 640. Margaret Sowah and Susanna Rojas just do not want the judges to find out what she was doing with Cory Reid's article 78's.

*Supreme Court Appellate Division  
First Department*



*27 Madison Avenue  
New York, N.Y. 10010  
212-340-0400*

*Susanna Molina Rojas  
Clerk of the Court*

July 18, 2018

Cory Reid  
BKDC-3491709514  
275 Atlantic Avenue  
Brooklyn, New York 11201

Re: Article 78 Petition against Judge Laura A. Ward, Deputy  
Clerk Margaret Sowah and Prosecuting Attorney Nicholas  
Barnes

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F

Cory Reid  
Page 2  
July 18, 2018

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Yours truly,



Susanna Molina Rojas

Enc.

Cory Reid  
275 Atlantic Av  
Brooklyn N.Y. 11201  
BLDG-3491109514

F July-25-2018

First Correspondence  
To Susanna Rojas  
Clerk of App  
Court, First Dep.

Supreme Court of the State of New York  
Appellate Division: First Department  
27 Madison Avenue  
New York, New York, 10010  
ATTN: Sir Sanna Molina Rojas

Greetings Maam Cory Reid at your attention. I am so glad you spoke the way you spoke in your July 18 2018 Correspondence to Cory Reid. You know what that means maam that you already filed my order to show cause dated July-11-2018 forwarded to you (since you the Clerk of court) certified mail with return Receipt Requested (11 Days ago see Approx. Delivery Date) there should be no reason that one is not filed already. Remember Susanna what goes around comes right back around like a hooa hoop.

07/11/18

14:42

THE CITY OF NEW YORK  
DEPARTMENT OF CORRECTION

BKHD

RIED, CORY  
ID#3491709514

WITHDRAWAL OF FUNDS

POSTAGE/CERT. MAIL

DISBURSED AS CASH

	AMOUNT	REFERENCE#
	13.00	1336971868
TOTAL	13.00	-----

Spending Limit is \$125 per week

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at: [www.usps.com](http://www.usps.com)

NEW YORK, NY 10010

Certified Mail Fee \$3.45

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$2.05

Total Postage and Fees \$8.25

Sent To APP Term 1st Dep Clerk of Court

Street and Apt. No., or PO Box No. 27 Madison Avenue

City, State, ZIP+4® NY NY 10010

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

TIMES PLAZA  
539 ATLANTIC AVE  
BROOKLYN  
NY  
11217-9996  
3508770349  
07/12/2018 (800)275-8777 3:51 PM

Product Description	Sale Qty	Final Price
First-Class Mail Large Envelope	1	\$2.05

(Domestic)  
(NEW YORK, NY 10010)  
(Weight: 0 Lb 5.20 Oz)  
(Estimated Delivery Date)  
(Saturday 07/14/2018)

Certified 1 \$3.45  
(@USPS Certified Mail #)  
(70181130000070160159)

Return 1 \$2.75  
Receipt  
(@USPS Return Receipt #)  
(9590940241488092591470)

Total \$8.25

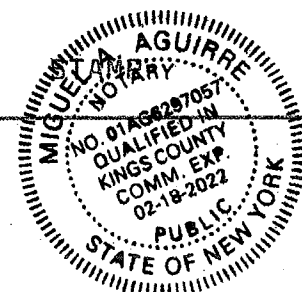
Cash \$20.25  
Change (\$12.00)

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit [www.usps.com](http://www.usps.com) USPS Tracking or call 1-800-222-1811.

In a hurry? Self-service kiosk offer quick and easy retail

THAT, on this 25<sup>th</sup> day of July, 2018, Cory Reid, personally appeared before me and known to be that same man who told me that he was forwarding this(his)first correspondence to Susanna Rojas, clerk of App C court first department.

NOTARY PUBLIC SIGNATURE





7018 1130 0000 7016 0159

7018 1130 0000 7016 0159

U.S. Postal Service<sup>®</sup>  
CERTIFIED MAIL<sup>®</sup> RECEIPT  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com).

OFFICIAL USE

Certified Mail Fee

Extra Services & Fees (check box, and fee as appropriate)

☐ Return Receipt (hardcopy) \$

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

Postage \$

Postmark

Date

Total Postage and Fees \$

Identify to whom this mail is being sent

Identify to whom this mail is being sent

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Identify to whom this mail is being sent

PS Form 3800, April 2015 PSN 7502-02-000-9047 See Reverse for Instructions

Attn: Clerk of Court  
App Term first Depart  
27 Madison Ave  
NY NY 10010





CERTIFIED

PLACE STICKER AT TOP OF THE MAIL PIECE

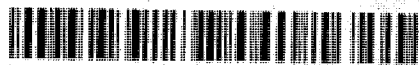
envelope 8X11

## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

ADD Term 7th Dep.  
Clerk of Court CPLR  
27 Madison Ave 8th Fl  
NY NY 10010 CPLR  
262(C)



9580 9402 4148 8092 5914 70

## 2. Article Number (Transfer from service label)

7018 1130 0000 7016 0159

## COMPLETE THIS SECTION ON DELIVERY

## A. Signature

X

☐ Agent☐ Addressee

## B. Received by (Printed Name)

## C. Date of Delivery

## D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

## 3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail®
- ☐ Insured Mail Restricted Delivery

☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Return Receipt for Merchandise☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

envelope 8X11

Cory Reid  
215 Atlantic Av  
Brooklyn NY 11201  
BLX-369170954

July 26-2018

Second Correspondence  
for Clerk of App  
Court, First Depart.  
Susanna Mojás.

Supreme Court of the State of New York  
Appellate Division, First Department  
27 Madison Avenue  
New York, New York, 10010  
ATTN: Susanna Mojás; Clerk of Court.

Greetings Ma'am, Cory Reid respectfully states the following:  
Remember in your Correspondence to Cory Reid, dated  
July 18 2018 you stated that this Court Commences  
Petitions against judges only, that means you are  
going to Commence the petition against Laura Awaro  
you are going to receive on Friday July 27 2018, Since  
that one and the prior (July-11-2018) are NON-frivolous.  
CPLR 2102(c) and CPLR 506 B 4, 7, 14th U.S. Const.  
Right to access the Courts.

July 26-2018



07/25/18

15:01

THE CITY OF NEW YORK  
DEPARTMENT OF CORRECTION

BKHD

RIED, CORY  
ID#3491709514

WITHDRAWAL OF FUNDS

POSTAGE/CERT. MAIL

DISBURSED AS CASH

	AMOUNT	REFERENCE#
	12.00	1337319935
TOTAL	12.00	-----

Spending Limit is \$125 per week

=====

TIMES PLAZA  
539 ATLANTIC AVE  
BROOKLYN  
NY  
11217-9996  
3508770349  
07/25/2018 (800)275-8777 4:02 PM

=====

Product Description	Sale Qty	Final Price
First-Class Mail	1	\$1.63

\* Large Envelope  
(Domestic)  
(NEW YORK, NY 10010)  
(Weight: 0 Lb 3.10 Oz)  
(Estimated Delivery Date)  
(Friday 07/27/2018)

Certified 1 \$3.45  
(@@USPS Certified Mail #)  
(70180680000134026028)

\* Return Receipt 1 \$2.75  
(@@USPS Return Receipt #)  
(9590940234987275861466)

Total	\$7.83
Cash	\$8.00
Change	(\$0.17)

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit [www.usps.com](http://www.usps.com) USPS Tracking or call 1-800-222-1811.

In a hurry? Self-service kiosks offer quick and easy check-out. Any Retail Associate can show you how.

9202 6020 3402 0000 1000 0800 9102

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

NEW YORK, NY 10010

**OFFICIAL**

Certified Mail Fee \$3.45

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$2.75
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$1.63

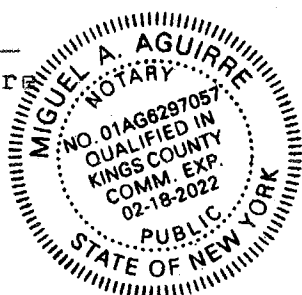
Total Postage and Fees \$7.83

Sent To Clerk of App Court First Department  
Street and Apt. No., or PO Box No. 27 Madison Avenue NY NY  
City, State, ZIP+4® NY NY 10010

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

THAT, on this 26 day of July, 2018, Cory Reid, personally appeared before me and known to be that same man who told me that he was forwarding this(his)second correspondence to Susanna Mojas(Clerk of App Court First Department).

Notary Public signature



Stamp

Aug-7-2018

Cory Reed  
275 Atlantic Av  
Brooklyn NY 11201  
BKDC-3491709514

~~ATTN:~~ Clerk of Court  
Susanna Molina Rojas  
First Department  
27 Madison Avenue  
NY NY 10013

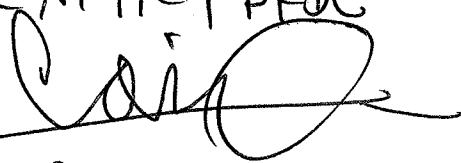
RE: Article 78 dated ~~April~~ July-11-2018 against  
Laura-Award asking her to transfer INDICTMENT Number  
4445-2017 Back to part 71 to dismiss.

Susanna Molina Rojas. This is my third letter to you  
and I got your notice today talking about my Article  
78 Dated July 19 2018. Susanna Denial of access  
to the Courts when you obstruct Legitimate means  
to prevent Cory Reed from filing a nonfrivolous  
action. I am telling you Susanna and Margaret

you do not know what game you playing with  
Cory Reid. The Civil Rights Complaint against  
Margaret Sawatt Deputy Clerk of App Term. Ast  
Dept is Secured. Susanna Molina Rojas why  
you think I made a paper trail.

Respectfully Submitted  
Cory Reid-Petitioner  
275 Atlantic Av.  
Bk NY 11201-BKDC

By:



Aug-7-2018

07/11/18

14:42

THE CITY OF NEW YORK  
DEPARTMENT OF CORRECTION

BKHD

RIED, CORY  
ID#3491709514

WITHDRAWAL OF FUNDS

POSTAGE/CERT. MAIL

DISBURSED AS CASH

	AMOUNT	REFERENCE#
	13.00	1336971868
TOTAL	13.00	

Spending Limit is \$125 per week

5510 9102 0000 DEPT 9102

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at: [www.usps.com](http://www.usps.com)

NEW YORK, NY 10010

Certified Mail Fee \$3.45

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$2.05

Total Postage and Fees \$8.25

Sent To APP Term 1st Dep Clerk of Court

Street and Apt. No., or PO Box No. 27 Madison Avenue

City, State, ZIP+4® NY NY 10010

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

=====

TIMES PLAZA  
539 ATLANTIC AVE  
BROOKLYN  
NY  
11217-9996  
3508770349  
07/12/2018 (800)275-8777 3:51 PM

=====

Product Description	Sale Qty	Final Price
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First-Class Mail Large Envelope	1	\$2.05
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(Domestic)  
(NEW YORK, NY 10010)  
(Weight: 0 Lb 5.20 Oz)  
(Estimated Delivery Date)  
(Saturday 07/14/2018)

Certified	1	\$3.45
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(®®USPS Certified Mail #)  
(70181130000070160159)

Return Receipt	1	\$2.75
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(®®USPS Return Receipt #)  
(9590940241488092591470)

Total	\$8.25
-------	--------

Cash	\$20.25
Change	(\$12.00)

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit [www.usps.com](http://www.usps.com) USPS Tracking or call 1-800-222-1811.

In a hurry? Self service kiosk offer quick and easy etail Associate can help

This one dealing with Returning INDIGMENT back to part 71

07/25/18

15:01

THE CITY OF NEW YORK  
DEPARTMENT OF CORRECTION

BKHD

RIED, CORY  
ID#3491709514

WITHDRAWAL OF FUNDS

POSTAGE/CERT. MAIL

DISBURSED AS CASH

	AMOUNT	REFERENCE#
	12.00	1337319935
TOTAL	12.00	-----

Spending Limit is \$125 per week

*This one dealing with plain error*

*5C*

=====

TIMES PLAZA  
539 ATLANTIC AVE  
BROOKLYN  
NY  
11217-9996  
3508770349  
07/25/2018 (800)275-8777 4:02 PM  
=====

Product Description	Sale Qty	Final Price
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First-Class Mail	1	\$1.63
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\* Large Envelope  
(Domestic)  
(NEW YORK, NY 10010)  
(Weight: 0 Lb 3.10 Oz)  
(Estimated Delivery Date)  
(Friday 07/27/2018)  
Certified 1 \$3.45  
(@USPS Certified Mail #)  
(70180680000134026028)  
\* Return Receipt 1 \$2.75  
(@USPS Return Receipt #)  
(9590940234987275861466)

Total	\$7.83
-------	--------

Cash	\$8.00
Change	(\$0.17)

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit [www.usps.com](http://www.usps.com) USPS Tracking or call 1-800-222-1811.

In a hurry? Self-service kiosks offer quick and easy check-out. Any Retail Associate can show you how.

7018 0680 0001 3402 6028

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For delivery information, visit our website at [www.usps.com](http://www.usps.com).

NEW YORK, NY 10010

**OFFICIAL**

Certified Mail Fee \$3.45

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$1.63

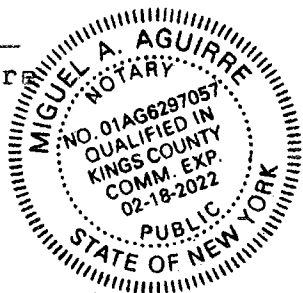
Total Postage and Fees \$7.83

Sent To *Clerk of App Court First Department*  
Street and Apt. No., or PO Box No. *27 Madison Avenue NY NY*  
City, State, ZIP+4® *NY NY 10010*

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

THAT, on this 26 day of July, 2018, Cory Reid, personally appeared before me and known to be that same man who told me that he was forwarding this(his)second correspondence to Susanna Mojas(Clerk of App Court First Department).

Notary Public signature



Stamp

***Contracts Law > Formation > Acceptance > Mailbox Rule***

Depositing in the post office a properly addressed, prepaid letter raises a presumption that it reached its destination by due course of mail, and mailing a letter in such way is prima facie evidence that it was received by the person to whom it was addressed.

***Contracts Law > Formation > Acceptance > Mailbox Rule***

Testimony contravening the receipt of mail does not put into issue the question of whether the letter was received. The overwhelming weight of statistics clearly indicates that letters properly mailed and deposited in the post office are received by the addressees. Usually, the one who mails a letter is devoid of any ability to prove receipt of the letter by the addressee. The testimony of the addressee that he did not receive the letter, while admissible, is admitted only because of the import of that testimony on the issue of whether the letter was mailed.

Clerk of Court

27 Madison Ave

NY NY 10010

App Term

First Dep

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: FIRST DEPARTMENT

CORY REID, Plaintiff

-against-

SUSANNA MOLINA ROJAS  
Defendant

2nd

A F F I D A V I T...

STATE OF NEW YORK  
COUNTY OF KINGS

Aug-9-2018

I, CORY REID, being duly sworn, despose and says:

An AFFIDAVIT left un-rebutted is equivalent to it being true.

THAT, Susanna you doing the same thing with the July-11-2018 Article 78 Petition that Margaret Sowah did with the April 3rd 2018 and April 19 2018 Petition, wait for Cory Reid to get convicted so there will not be any live controversy pursuant to indictment number 4445-2017. Cory Reid's right to Petition the Government for a redress of grievances is clearly established in the year 2018.

Remember Susanna if you did not hide Cory Reid's Article 78 Petition he would have never gotten convicted. You caused that result. CPLR 2102(c) governs your authority.

Cory Reid declares under penalty of perjury that Susanna Molina Rojas did hide Cory Reid's July-11-2018 Article 78 Petition because it warranted a finding in his favor.

RIGHT TO ACCESS THE COURT  
RESERVED

Sworn to before me this

09 day of August, 2018

NOTARY PUBLIC OFFICIAL  
FABIOLA GOMES  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 0100000039  
Qualified in New York County  
My Commission Expires 09-19-2020



**\*PROOF OF SERVICE\***

STATE OF NEW YORK  
COUNTY OF KINGS

I, CORY REID, being duly sworn, depose and says:

Pursuant to the Mailbox Rule, that I have on this 9<sup>th</sup> day of August 2018, placed and submitted in the Postal Receptacle in the New York City Correctional Facility known as the BROOKLYN DETENTION COMPLEX, A second AFFIDAVIT, to be duly mailed via the United States Postal service to a Government Official who deprived Cory Reid of a Federal Right:

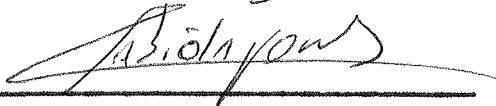
Clerk of App Court  
First Department  
Susanna Molina Rojas  
27 Madison Avenue  
New York, New York, 10010

Federal Right to Access the Court  
is reserved



Sworn to before me this

09 day of AUGUST, 2018



NOTARY PUBLIC OFFICIAL

FABIOLA GOMES  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 0100000039  
Qualified in New York County  
My Commission Expires 09-18-2020

7016 1130 0000 7016 0159  
7016 1130 0000 7016 0159

U.S. Postal Service<sup>TM</sup>  
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**OFFICIAL USE**

**Certified Mail Fee**

- ☐ First-Class Mail<sup>®</sup> Flat Rate<sup>®</sup> box, envelope, or large envelope
- ☐ Return Receipt (hardcopy) \$ \_\_\_\_\_
- ☐ Return Receipt (electronic) \$ \_\_\_\_\_
- ☐ Certified Mail Restricted Delivery \$ \_\_\_\_\_
- ☐ Adult Signature Required \$ \_\_\_\_\_
- ☐ Adult Signature Restricted Delivery \$ \_\_\_\_\_

**Postage**

**Additional Postage and Fees**

Postmark  
Here

Send to  
App Term 4th Dep Defect out  
27 Madison Avenue  
NY NY 10010

PS Form 3800, April 2015 PSN 7530-02-000-9027 See Reverse for Instructions

Attn: Clerk of Court  
App Term First Depart  
27 Madison Ave  
NY NY 10010

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: FIRST DEPARTMENT

---

CORY REID, Plaintiff

-against-

Clerk of Court SUSANNA. M. ROJAS  
for App Term First Department  
Defendant

---

3rd

A F F I D A V I T..

STATE OF NEW YORK  
COUNTY OF KINGS

I, CORY REID, declares by his signature  that...

A denial-of-access-to-the-courts claim is not valid if a litigant's position is not prejudiced by the alleged violation. Ruiz v. United States, 160 F.3d 273. It is only when a prisoner suffers some actual prejudice or detriment because of the alleged denial of access to the courts that the allegation becomes one of a constitutional nature. Walker v. Navarro County Jail, 4 F.3d 410. To prove his claim, a plaintiff must show real detriment - a true denial of access, such as the loss of a motion, the loss of a right to commence, prosecute or appeal in a court, or substantial delay in obtaining a judicial determination in a proceeding. Oaks v. Wainwright, 430 F.2d 2412. The Second Circuit stated 'In order to establish a violation of a right of access to courts, a plaintiff must demonstrate that a defendant caused actual injury, i.e., took or was responsible for actions that hindered a plaintiff's efforts to pursue a legal claim.'

When Susanna Molina Rojas clerk of App Court First Department received Cory Reid's Article 78 Petition dated July-11-2018 on estimated delivery day July-14-2018 (7-16-2018 is she works Monday thru Friday) she showed Margaret Sowah Deputy Clerk of App court First Department and Margaret told her to hide it because it could get granted and the trial judge Laura.A.Ward would be upset with us.



So now Susanna is stalling waiting for Nicholas Barnes to commence a trial against Cory Reid, and, if Susanna was to file that Article 78 like she is suppose to(CPLR 2102(C) ) there will not be no trial.

Cory Reid declares under penalty of perjury and by his signature that Susanna Rojas is hiding Cory Reid's Article 78 Petition notarized and forwarded to the Appellate Division First Department with Certified Mail July-11-2018(estimated delivery day 7-14-18).

Private Citizen

Cory Reid

Sworn to before me nthis

10 day of AUGUST, 2018

NOTARY PUBLIC OFFICIAL

FABIOLA GOMES  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01606340039  
Qualified In New York County  
My Commission Expires 08-18-2020

07/11/18

14:42

THE CITY OF NEW YORK  
DEPARTMENT OF CORRECTION

BKHD

RIED, CORY  
ID#3491709514

WITHDRAWAL OF FUNDS

POSTAGE/CERT. MAIL

DISBURSED AS CASH

	AMOUNT	REFERENCE#
	13.00	1336971868
TOTAL	13.00	-----

Spending Limit is \$125 per week

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For delivery information, visit our website at: [www.usps.com](http://www.usps.com)

NEW YORK, NY 10010

Certified Mail Fee \$3.45

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$2.05

Total Postage and Fees \$8.25

Sent To ADD TERM 1st Dep Clerk of Court

Street and Apt. No., or PO Box No. 27 Madison Avenue

City, State, ZIP+4® NY NY 10010

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

=====

TIMES PLAZA  
539 ATLANTIC AVE  
BROOKLYN  
NY  
11217-9996  
3508770349  
07/12/2018 (800)275-8777 3:51 PM

=====

Product Description	Sale Qty	Final Price
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First-Class Mail	1	\$2.05
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Large Envelope

(Domestic)

(NEW YORK, NY 10010)

(Weight: 0 Lb 5.20 Oz)

(Estimated Delivery Date)

(Saturday 07/14/2018)

Certified	1	\$3.45
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(@USPS Certified Mail #)

(70181130000070160159)

Return Receipt	1	\$2.75
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(@USPS Return Receipt #)

(9590940241488092591470)

Total	\$8.25
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Cash	\$20.25
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Change	(\$12.00)
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Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit [www.usps.com](http://www.usps.com) USPS Tracking or call 1-800-222-1811.

In a hurry? See offer  
quick and easy etail  
Associate can help

No Return Date

1st Article 78

07/25/18

15:01

THE CITY OF NEW YORK  
DEPARTMENT OF CORRECTION

BKHD

RIED, CORY  
ID#3491709514

WITHDRAWAL OF FUNDS

POSTAGE/CERT. MAIL

DISBURSED AS CASH

	AMOUNT	REFERENCE#
	12.00	1337319935
TOTAL	12.00	-----

Spending Limit is \$125 per week

9209 2049 3402 6028  
7018 0680 0001 3402 6028

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For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

NEW YORK, NY 10010

Certified Mail Fee \$3.45

Extra Services & Fees (check box, add fee \$):

- ☐ Return Receipt (hardcopy) \$0.00
- ☐ Return Receipt (electronic) \$0.00
- ☐ Certified Mail Restricted Delivery \$0.00
- ☐ Adult Signature Required \$0.00
- ☐ Adult Signature Restricted Delivery \$0.00

Postage \$1.63

Total Postage and Fees \$7.83

Sent To Clerk of App Court First Department  
Street and Apt. No., or PO Box No. 27 Madison Avenue NY, NY  
City, State, ZIP+4® NY NY 10010

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

=====

TIMES PLAZA  
539 ATLANTIC AVE  
BROOKLYN  
NY  
11217-9996  
3508770349  
07/25/2018 (800)275-8777 4:02 PM

=====

Product Description	Sale Qty	Final Price
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First-Class Mail	1	\$1.63
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Large Envelope  
(Domestic)  
(NEW YORK, NY 10010)  
(Weight: 0 Lb 3.10 Oz)  
(Estimated Delivery Date)  
(Friday 07/27/2018)

Certified	1	\$3.45
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(@@USPS Certified Mail #)  
(70180680000134026028)

Return Receipt	1	\$2.75
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(@@USPS Return Receipt #)  
(9590940234987275861466)

Total	\$7.83
-------	--------

Cash	\$8.00
Change	(\$0.17)

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit [www.usps.com](http://www.usps.com) USPS Tracking or call 1-800-4USPS.

In a hurry? Self-s quick and easy che  
er 1

September 20 return date

Second article 78

**\*PROOF OF SERVICE\***

STATE OF NEW YORK  
COUNTY OF KINGS

THAT pursuant to the Prison Mailbox Rule, on this 10<sup>th</sup> day of August, 2018, placed and submitted in the Postal Receptacle of the New York City Correctional Facility known as the BROOKLYN DETENTION COMPLEX A Third AFFIDAVIT, to be duly mailed via the United States Postal Service to the following concerned Party that is withholding Cory Reid's Article 78 bPetition until a trial is commenced against him:

CLERK OF COURT  
APP TERM, FIRST DEPARTMENT  
27 Madison Avenue  
New York, New York, 10010  
ATTN: Susanna Molina Rojas

Right to Petition the  
Government is reserved

-----  
Cory Reid

Sworn to before me this

10 day of August, 2018

-----  
NOTARY PUBLIC OFFICIAL

FABIOLA GOMES  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 0160034039  
Qualified In New York County  
My Commission Expires 09-19-2020



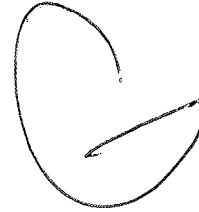


Cory Reed  
275 Atlantic Av  
Brooklyn NY 11231  
BKDC-349770994

ATTN: Susanna Molina Rojas  
Clerk of App Court  
First Department  
27 Madison Avenue  
NY NY 10010

EXHIBIT

G



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: PART 71

-----X  
THE PEOPLE OF THE STATE OF NEW YORK

DECISION AND ORDER

IND. # 4445/17

- against -

COREY RIED,

Defendant.

-----X  
Laura A. Ward, J.:

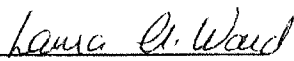
Upon inspection of the grand jury minutes, the motion to dismiss the indictment or reduce the crimes charged therein is denied. The evidence presented to the grand jury established a prima facie case of the defendant's commission of the crimes charged in the indictment. Although the criminal court complaint charges the defendant with misdemeanors, the People served Criminal Procedure Law § 170.20 grand jury notice, indicating they intended to present the case to the grand jury. The evidence submitted to the grand jury supports felony charges. The motion to dismiss the indictment on the ground that the grand jury proceeding was defective is denied. The defendant has not supplied the court with any evidence of a defect in the grand jury proceedings nor do the grand jury minutes reflect any such defect.

The defendant's motion to dismiss the indictment due to a lack of jurisdiction is denied. The indictment and grand jury minutes establish that the defendant is charged with two counts of Criminal Tampering in the First Degree, in violation of Penal Law § 145.20, based on the defendant's alleged conduct in New York County. Therefore, New York County Supreme Court, Part 71, has jurisdiction over the defendant's case.

The defendant's motion to dismiss the indictment based on a violation of the defendant's due process rights is denied. The defendant's motion does not establish and the record does not support a finding that the defendant's due process rights were violated.

The foregoing is the decision and order of the court.

Dated: New York, New York  
March 14, 2018

  
\_\_\_\_\_  
Laura A. Ward  
Acting Justice Supreme Court

①

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK PART 71

THE PEOPLE OF THE STATE OF NEW YORK

—against—

CORY REID

NOTICE OF  
AFFIDAVIT  
TO BE REBUTED

I, CORY REID, A PRIVATE CITIZEN of the State of New York, Reserving All Rights, that flow from the Federal Constitution and Constitution of the State of New York, and any all other rights that are secured and granted, will move this Court of Supreme Part 71 on the 29th of January of the Current year with an AFFIDAVIT TO BE REBUTED challenging the Jurisdiction of Part 71 and what Liam R. Malanaphy, Esq. wanted Cory Reid to adopt trying to trick him.

ALL RIGHTS RESERVED

*[Signature]* 2018  
\* PRIVATE CITIZEN \*

The Notary Public at the BROOKLYN DETENTION COMPLEX witnessed under my Signature, that I am forwarding this notice to Trial Judge Laura Award and Liam R. Malanaphy, Esq.

Witnessed on the

6 day of Jan., 2018

*Antonio Frazier*

NOTARY PUBLIC OFFICIAL

ANTONIO MIGUEL FRAZIER  
Commissioner of Deeds  
No. 2-13375  
Qualified in Kings County  
Commission Expires May 1, 2020

1/6/18

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: PART 71

THE PEOPLE OF THE STATE OF NEW YORK

-against-

CORY REID

AFFIDAVIT  
TO BE  
REBUTTED

STATE OF NEW YORK  
COUNTY OF KINGS }

I, CORY REID, being duly sworn, depose and say:  
An \*AFFIDAVIT\* left unrebutted truly and accurately  
depicts what is taking place.

1 THAT, Liam R. M., your Conscious objective on 12-4-2017  
in part 71 when you underlined with your pen Substantial  
interruption and metrocard machine, to try and trick  
Cory Reid that that paper was a valid and sufficient  
accusatory instrument Cory Reid could lawfully be prosecuted  
on. You wanted to cause that result. (Art 1 sec 6).

2 THAT, Liam R. Mahanaphy, Esq, You forwarded to  
Cory Reid via mail an omnibus motion So Cory Reid  
can adopt it, but, Liam, for a part 71 reason you omitted  
CPL 210.20(1)(A) and, on the top of page 4, Mr Reid  
relies on his substantial right to have a Grand jury  
accuse him of a Criminal act, right to know the

nature and cause of accusation and his right to have those two papers part 71 gave him plead enough facts so he can prepare a defense and enable him to plead prior jeopardy. All you said is and other rights, Pg 4.

3 \* Your Honor, Your got Liam to forward to me an omnibus motion so your can disregard my CPL 210.20 sub 2A motion because it warrants a finding in my favor. XIV \*

4 YOUR HONOR, the reason your not giving Cory Reid a sufficient valid accusatory instrument as required by Art 7 sec 6 of N.Y. State Const. because your saying when I get out I probably will do this again. XIV.

5 LIAM R. Malanaphy and Laura A warn your both know, an indictment serves the purpose of preventing the prosecutor from usurping the powers of the Grand Jury by insuring that the crime for which the defendant is tried is the same crime for which he was indicted - meaning, if the prosecuting attorney stated in courtroom that Cory Reid ripped a piece of paper off of the wall and inserted it into two machines the accusatory instrument itself have to incorporate that act. Not a bill of particulars, Art 4 sec 6. SO LIAM run along with your request for a bill of Partic. That do not give a court the jurisdiction over a defendant.

XIV.

6 Liam R. Malanaphy esq. passing the Bar, you know, a courts jurisdiction over a defendant in felony cases must be based upon the decision of a grand jury as expressed in an indictment. That requirement derives from the state Constitution, and not from any act of the Legislature, \*why didn't you\* put that in Your annibus motion, if you was only trying to help advise me? XIV.

7 Liam R. Malanaphy esq, before I became my own criminal defense attorney, it is a good thing I did, because you was not going to tell Laura A. Ward that my client cannot be arraigned on a paper that just depicts a misjoinder of offenses, instead Liam, you underlined one that duplicates another. \*Metrocard machine\* and \*Common Carrier.\* That was your intent to decieve Cory Reid. (Misconduct by Attorneys). XIV.

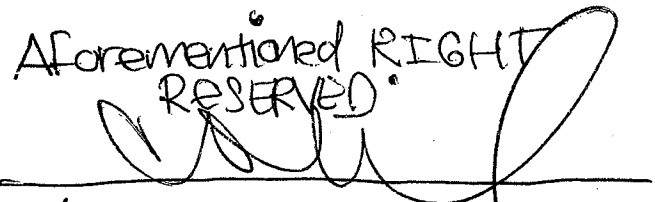
8 Your Honor, Your only doing this to me because I struggle currently with Crack-Cocaine. That is why 'You' making this a felony, and it is proving that 'You' making it a felony because irreparable and not fully operable can't both be a substantial interruption \*You\* just don't want \*them\* to be mad with \*you\* for \*abiding\* by the \*law\* and \*Constitution\*, they might think you on my side, which I wish you was for one out of three... \*I'm\* worthy of it. XIV.



9 YOUR HONOR, naming of the crime of Criminal Tampering in the first degree in violation of Penal law 145.20 and putting Metrocard Machine next to all of the other offenses, Do not constitute fair notice that cory Reid stands \*charged\* with Tampering with a Metrocard machine. Since factual allegations are controlling and not the name of the crime charged-- what did Cory Reid do to the machine unlawfully-- even though the prosecuting attorney on Dec-4-2017 mentioned a criminal act-- In a Supreme Court a \*grand jury indictment\* is Controlling-- not a prosecuting attorney. (NY Const. art 1 sec 6). 1.20 sub 1

YOUR HONOR, he who fails to reserve a right, cannot use it -- So YOUR HONOR, for the 29th of January of 2018, CORY REID is reserving his federal Right to have the trial JUDGE keep the balance nice, clear and true between him and the State (XIV) So traditional notions of fair play and substantial justice will not be infringed upon him.

Aforementioned RIGHT  
RESERVED.



\*NOTARY PUBLIC\*

That on this day of JAN 6, 2018, CORY REID personally appeared before me, and known to be the same man who told me he was forwarding this AFFIDAVIT TO BE REBUTED TO trial JUDGE LAURA A. WARD and ESQUIRE LIAM R. MALANAPHY.

ANTONIO MIGUEL FRAZIER  
Commissioner of Deeds  
No. 2-13375  
Qualified in Kings County  
Commission Expires May 1, 2020

Antonio Frazier 1/6/18

\* PROOF OF SERVICE \*STATE OF NEW YORK  
COUNTY OF KINGS

I, CORY REID, being duly sworn by NOTARY PUBLIC, despose and SAY:

That on this 6<sup>th</sup> day of January of 2018, after the Notary Public of the BROOKLYN DETENTION COMPLEX where CORY REID is being detained in, Put his Stamp and witnesses my NOTICE OF AFFIDAVIT TO BE REBUTTED, then place his stamp on my AFFIDAVIT TO BE REBUTTED, I am going to kindly ask the NOTARY PUBLIC can he stamp my PROOF that I am serving Trial Judge Laura AWARD Located at 100 Centre Street NY, NY 10013 Port 71 and Esquire LIAM R. MALANAPHY Located at 30 Wall Street 8<sup>th</sup> floor NY, NY 10005 and I am serving them both with the same NOTICE OF AFFIDAVIT TO BE REBUTTED and AFFIDAVIT TO BE REBUTTED that the NOTARY PUBLIC stamped by placing 2 copies in the postal receptacle of the BROOKLYN DETENTION COMPLEX to be duly mailed via the United States Postal Service to Laura AWARD and LIAM R. MALANAPHY.

AFOREMENTIONED RIGHT IN  
AFFIDAVIT TO BE REBUTTED  
RESERVED FOR 1-29-2018

Sworn to before me this

6 day of Jan 12<sup>th</sup> 2018  
Antonio Frazier

NOTARY PUBLIC OFFICIAL

ANTONIO MIGUEL FRAZIER  
Commissioner of Deeds  
No. 2-13375  
Qualified in Kings County  
Commission Expires May 4, 2020

1/6/18

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: PART 71



-----X  
THE PEOPLE OF THE STATE OF NEW YORK

DECISION AND ORDER  
IND. # 4445/17

- against -

COREY RIED,

Defendant.

-----X  
Laura A. Ward, J.:

Upon inspection of the grand jury minutes, the motion to dismiss the indictment or reduce the crimes charged therein is denied. The evidence presented to the grand jury established a prima facie case of the defendant's commission of the crimes charged in the indictment. Although the criminal court complaint charges the defendant with misdemeanors, the People served Criminal Procedure Law § 170.20 grand jury notice, indicating they intended to present the case to the grand jury. The evidence submitted to the grand jury supports felony charges. The motion to dismiss the indictment on the ground that the grand jury proceeding was defective is denied. The defendant has not supplied the court with any evidence of a defect in the grand jury proceedings nor do the grand jury minutes reflect any such defect.

The defendant's motion to dismiss the indictment due to a lack of jurisdiction is denied. The indictment and grand jury minutes establish that the defendant is charged with two counts of Criminal Tampering in the First Degree, in violation of Penal Law § 145.20, based on the defendant's alleged conduct in New York County. Therefore, New York County Supreme Court, Part 71, has jurisdiction over the defendant's case.

The defendant's motion to dismiss the indictment based on a violation of the defendant's due process rights is denied. The defendant's motion does not establish and the record does not support a finding that the defendant's due process rights were violated.

The foregoing is the decision and order of the court.

Dated: New York, New York  
March 14, 2018

\_\_\_\_\_  
Laura A. Ward  
Acting Justice Supreme Court

sub 7 subsec A

C

Friedman, J.P., Sweeny, Gische, Mazzarelli, Gesmer, JJ.

6784 In re Corey Reid,  
[M-1735] Petitioner,

Ind. 4445/17  
OP 143/18

-against-

Hon. Laura A. Ward,  
Respondent.

---

Corey Reid, petitioner pro se.

Eric T. Schneiderman, Attorney General, New York (Charles F. Sanders of counsel), for respondent.

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The above-named petitioner having presented an application to this Court praying for an order, pursuant to article 78 of the Civil Practice Law and Rules,

Now, upon reading and filing the papers in said proceeding, and due deliberation having been had thereon,

It is unanimously ordered that the application be and the same hereby is denied and the petition dismissed, without costs or disbursements.

THIS CONSTITUTES THE DECISION AND ORDER  
OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: JUNE 5, 2018

  
CLERK

ORDERED that service of a copy of this order, together with the papers upon which it is granted, upon both the respondents LAURA.A .WARD, NICHOLAS BARNES and the Attorney General, by mail, on or before .20 , shall be sufficient.



ENTER:

---

JUSTICE OF THE SUPREME COURT

This is the April 12 2018 Article 78 petition  
against Laura Award and Nicholas Barnes  
I do not know what happened to the Cover.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: 1ST DEPARTMENT

---

In the Matter of the Application of  
CORY REID, Petitioner

-against-

LAURA.A.WARD JUDGE  
NICHOLAS BARNES. PROSEC. ATT.

Respondents

For a Judgenment Pursuant to Article 78  
of the Civil Pracice Law and Rules

---

AFIDAVIT IN SUPPORT OF  
ORDER TO SHOW CAUSE

STATE OF NEW YORK  
COUNTY OF KINGS

I, CORY REID, being duly sworn, despose and say:

I am the petitioner in the above-entitled proceeding.

I amke this affidavit in support of my annexed application for an  
Ordfer to Show Cause to prosecute this atached petition pursuant  
to Article 78 of the Civil Practice Law and Rules which challenge  
s respondent Nicholas Barnes decision not to prosecute the petiti  
oner on an suficient accusatory instrument.

The decision complained of is unlawful because defendants right t  
o a factual statement showing how the charge is arrived at in fac  
tual terms is fundamental.

Petitioner seeks to proceed by order to show cause rather than by  
notice of petition becuae the harm the petitioner face is greate  
r than the cost of the stay.

Petitioner being incarcerated, also cannot effect personal service  
of the within papers and respectfully request that timely service  
by mail be deemed suficient.

Petitioner designates Neqw York County as the pñace of venue.

No previous application for the relief requested herein has been  
made.

I have moved by the annexed affidavit for a reduction/waiver of th  
e filing fees.

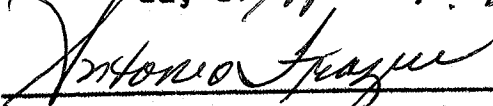
WHEREFORE, Petitioner respectfully request that this court enter a  
nd order directing respondents to show cause why a judgement sho  
uld not be made and entered pursuant to Article 78 of the Civil  
Practice Law and Rules compelling respondent Nicholas Barnes to a  
bide by the Constitution of the State of New York. And GRANTING  
such other and further relief this court deems just and proper.

CORY REID



BKDC 275 Atlantic Ave BK NY 11201

Sworn to before me this

13 day of April, 2018  


NOTARY PUBLIC OFFICIAL

ANTONIO MIGUEL FRAZIER  
Commissioner of Deeds  
No. 2-13375  
Qualified in Kings County  
Commission Expires May 1, 2020

4/12/18



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: 1st DEPARTMENT

---

In the Matter of the Application of  
CORY REID, Petitioner

PETITION

-against-

Index No.

LAURA.A.WARD. JUDGE

NICHOLAS BARNES. PROSECUT.

Respondents

For a Judgement Pursuant to Article 78  
of the Civil Practice Law and Rules

---

To THE SUPREME COURT OF THE STATE OF NEW YORK FOR  
NEW YORK COUNTY:

The petition of CORY REID, complaining of the  
respondents LAURA.A.WARD, NICHOLAS BARNES, respectfully alleges:

Petitioner CORY REID is a defendant in an on-  
going prosecution in front of respondent Laura.A.WARD in part 71  
located at 100 Centre Street, NY, NY, 10013.

Part 71 handed the petitioner on his supreme court arraignment 12-4-2017 an accusatory instrument that stated the following in substance: the defendant damaged and tampered with the property to wit a metrocard vending machine of a gas, electric, sewer, steam and water works corporation, telephone and telegraph corporation, common carrier, nuclear powered electric generating facility owned by a municipality and thereby caused a substantial interruption and impairment of a service rendered to the public.

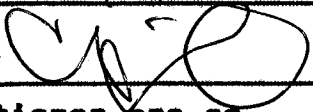
Both counts state the following in violation of Penal Law 145.20.

Defendant's right to a factual statement showing how a charge is arrived at in factual terms is fundamental, nor can such a deficiency be cured by mere bill of particulars. Rather, it is the duty of the courts to see to it that the right which the legislature has accorded to a citizen accused of crimes to have the indictment state the facts constituting the crime, so that he may prepare his defense and to prevent him from again being tried for the same offense.

No previous application has been made for the requested relief. WHEREFORE, Petitioner respectfully request that judgement be entered pursuant to Article 78 of the Civil Practice Law and Rules.

This court should issue an order ENJOINING respondent Nicholas Barnes from prosecuting the petitioner on a defective accusatory instrument. Since the petitioner has a clear legal right to a sufficient accusatory instrument. This court should also issue an order DIRECTING respondent Laura.A. Ward to safeguard the rights of the petitioner as well as the administration of criminal justice. GRANTING such other and further relief as the court may deem just and proper. CPLR 3017 A.

COPY REID

 P

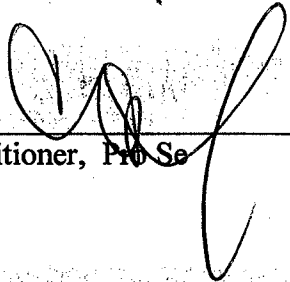
Petitioner, pro se

Dated: April-12-2018

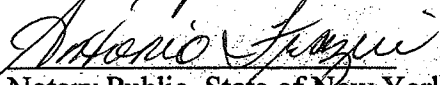
## VERIFICATION

STATE OF NEW YORK)  
COUNTY OF KINGS ) SS.:

COPY READ, being duly sworn, deposes and says that deponent is the petitioner in the above captioned proceeding, that he has read the foregoing petition and knows the contents thereof, that the same is true to deponent's own knowledge, except as to matters therein stated upon information and belief, which matters deponent believes to be true.

  
\_\_\_\_\_  
Petitioner, Pro Se

Sworn to before me this

12 day of April 2018  
  
Notary Public, State of New York

ANTONIO MIGUEL FRAZIER  
Commissioner of Deeds  
No. 2-13375  
Qualified in Kings County  
Commission Expires May 1, 2020

4/12/18

REQUEST FOR JUDICIAL INTERVENTION

REQUEST FOR JUDICIAL INTERVENTION

Index No. \_\_\_\_\_

SUPREME COURT, NEW YORK COUNTY

DATE PURCHASED \_\_\_\_\_

PLANTIFF: CORY REID

ias entry date: \_\_\_\_\_

JUDGE assigned: \_\_\_\_\_

DEFENDANTS: LAURA.A.WARD, NICHOLAS BARNES.

Rji date: \_\_\_\_\_

NATURE OF JUDICIAL INTERVENTION

☒ Order to Show Cause

return date for may 1 2018

NATURE OF ACTION OR PROCEEDING

SPECIAL PROCEEDINGS

☒ Article 78

Is this a proceeding against a

Municipality: NO Public Authority: Yes

Does this proceeding seek equitable relief: Yes

Does this proceeding seek recovery for personal injury: NO

Does this proceeding seek recovery for property damage: NO

Estimated time period for case to be ready for trial 1 month

CORY REID BKDC 275 Atlantic Avenue BKLYN NY 11201

LAURA.A.WARD 100 Centre Street NY NY 10013 part 71

NICHOLAS BARNES ONE HOGAN PLACE NY NY 10013

I affirm under penalty of perjury, to my knowledge, other than as noted above, there are and have been no related actions or proceedings, nor has a request for judicial intervention previously been filed in this proceeding.

Dated: April-12-2018

CORY REID

INDEX NUMBER

APPLICATION FOR INDEX NUMBER

APPLICATION FOR INDEX NUMBER

Pursuant to section 8018, New York Civil Practice Law and Rules

Title of Action: Article 78 Order to Show Cause

CORY REID 275 Atlantic Avenue BKLYN NY 11201

LAURA.A.WARD 100 Centre Street NY NY 10013 part 71

NICHOLAS BARNES one Hogan place NY NY 10013

---

SUPREME COURT, NEW YORK COUNTY

CORY REID, petitioner

v

LAURA.A.WARD JUDGE

NICHOLAS BARNES PROSECUTING ATTORNEY

INDEX NUMBER

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: 1st DEPARTMENT

In the Matter of the Application of  
CORY REID, Petitioner

-against-

LAURA.A.WARD JUDGE

NICHOLAS BARNES PROSECUT. ATT.

Respondents

For a Judgement Pursuant to Article 78  
of the Civil Practice Law and Rules

AFFIDAVIT IN SUPPORT OF  
APPLICATION FOR FEE REDU  
CTION/WAIVER PURSUANT TO  
NYCPLR 1101(F)

I, CORY REID, being duly sworn, hereby declares as follows:

I am the petitioner in the above-entitled proceeding. I am an inmate in a County Correctional Facility Brooklyn Detention Complex, 275 Atlantic Avenue BK NY 11201 and I submit this affidavit in support of my application for a reduction/waiver of the filing fees pursuant to NYCPLR 1101(F) (and that an attorney be assigned to represent me NYCPLR 1102 A)

I currently receive income from the following sources, exclusive of correctional wages NONE

I own the following valuable property (other than miscellaneous personal property)

List property

Value

NONE

NONE

I have no savings, property, assets, or income other than as set forth herein.

I am unable to pay the filing fee necessary to prosecute this proceeding.

No other person who is able to pay the filing fee has a beneficial interest in the result of this proceeding.

The facts of my case are described in my claim and other papers filed with the court.

I have made no prior request for this relief in this case.

Sworn to before me this

12 day of April, 2018

Antonio Miguel Frazier

NOTARY PUBLIC OFFICIAL

ANTONIO MIGUEL FRAZIER  
Commissioner of Deeds  
No. 2-13375

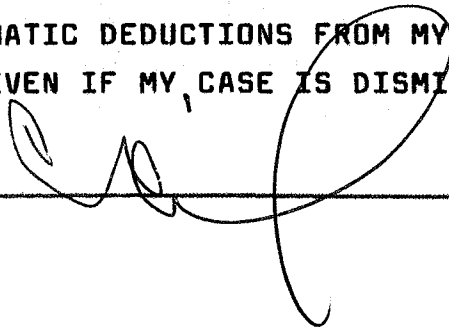
Qualified in Kings County  
Commission Expires May 1, 2020

4/12/18

I, Cory Reid, inmate number 3491709514, request and authorize the agency holding me in custody to send to the Clerk of the Court certified copies of the Correctional facility trust fund account statement (or the institutional equivalent) for the past six months.

I further request and authorize the agency holding me in custody to deduct the filing fee from my correctional facility trust fund account (or the institutional equivalent) and to disburse those amounts as instructed by the Court. This authorization is furnished in connection with the above entitled case and shall apply to any agency into whose custody I may be transferred.

I UNDERSTAND THAT I MAY HAVE TO PAY THE ENTIRE FEE IF THE COURT DENIES MY REQUEST FOR A FEE REDUCTION. MOREOVER, I UNDERSTAND THAT THE FEE DETERMINED BY THE COURT WILL BE PAID IN INSTALLMENTS BY AUTOMATIC DEDUCTIONS FROM MY CORRECTIONAL FACILITY TRUST FUND ACCOUNT EVEN IF MY CASE IS DISMISSED.



---



At a term of the Supreme Court of the State of New York, held in  
and for the County of New York on the \_\_\_\_\_ day of \_\_\_\_\_

Present: Hon. \_\_\_\_\_, Justice  
SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK



In the Matter of the Application of  
CORY REID, Petitioner

ORDER TO SHOW CAUSE  
Index No. \_\_\_\_\_

-against-

LAURB.A.WARD, Judge

Respondent

For a Judgement Pursuant to Article 78  
of the Civil Practice Law and Rules

Upon ther annexed affidavit in support of an order to Show C  
ause of CORY REID, verified on the <sup>20th</sup> day of June, 2018, the verifie  
d Petition, sqworn to on the <sup>20th</sup> day of June, 2018, It is

ORDERED that respondents LAURA.A.WARD show cause at a term o  
f this court to be held in the County of New York on the \_\_\_\_\_ day of \_\_\_\_\_  
, 20\_\_\_\_, or as soon thereafter counsel may be heard why ju  
dgement should not be made and entetred in this matter Pursuant t  
o Article 78 of the Civil Practice Law and Rules:

VACATING and setting aside repondents Laura.A.WArD decision  
not to dismiss indictment as jurisdictionally defective.

DIRECTING respondent Laur.A.Ward to dismiss indictment as de  
fective in its use.

GRANTING such other and further relief as the court may deem  
just and proper. It is further

ORDERED that service of a copy of this order, together with  
the papers upon which it is granted upon both the respondents LAU  
RA.A.WARD and the Attorney General by mail, on or before  
\_\_\_\_\_ shall be sufficient.

ENTER:

\_\_\_\_\_  
JUSTICE OF THE SMPREME COURT

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK:FIRST DEPARTMENT

---

In the Matter of the Application of  
CORY REID, Petitioner

-against-

LAURA.A.WARD, Judge  
Respondent

For a Judgement Pursuant to Article 78  
of the Civil Practice Law and Rules

---

AFFIDAVIT IN SUPPORT OF  
ORDER TO SHOW CAUSE  
Index No. \_\_\_\_\_

STATE OF NEW YORK  
COUNTY OF KINGS

I, CORY REID, being duly sworn, depose and say:

I am the Petitioner in the above-entitled proceeding.

I make this affidavit in support of my annexed application for an Order to Show Cause to prosecute the attached Petition Pursuant to Article 78 of the Civil Practice Law and Rules which challenges Laura.A.Ward's decision not to dismiss indictment as jurisdictionally defective.

The decision complained is unlawful because a sufficiently accusatory instrument is a non-waivable jurisdictional pre-requisite to a criminal prosecution.

Petitioner seeks to proceed by order to show cause rather than by notice of Petition because he is incarcerated and cannot effect service of respondents.

Petitioner designates New York County as the Place of venue.

No previous application for the relief requested herein has been made.

I have moved by the annexed affidavit for a reduction/waiver of the filing fees.

WHEREFORE, Petitioner respectfully request that this court enter a n order directing respondent to show cause why a judgement should not be made and entered pursuant to Article 78 of the Civil Practice Law and Rules compelling respondent ~~WARD~~ to dismiss indictment as jurisdictionally defective and Granting such other and further relief as the court may deem just and proper.

Cory Reid

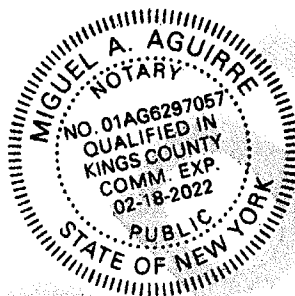
BKDC 275 Atlantic Av BK NY 11201

Sworn to before me this

20<sup>th</sup> day of June, 2018

[Signature]

NOTARY PUBLIC OFFICIAL



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK:FIRST DEPARTMENT

---

In the Matter of the Application of  
CORY REID, Petitioner

P E T I T I O N

Index NO. \_\_\_\_\_

-against-

LAURA.A.WARD Judge

Respondent

For a Judgement Pursuant to Article 78  
of the Civil Practice Law and Rules

---

To THE SUPREME COURT OF THE STATE OF NEW YORK FOR NEW  
YORK COUNTY:

The Petition of CORY REID, complaining of the respondent  
LAURA.A.WARD, respectfully alleges:

Cory Reid is a criminal  
defendant in an on-going prosecution in front of presiding Justice  
respondent Laura.A.Ward, in 100 Centre Street, New York, New York,  
10013 Part 71.

The Court's jurisdiction over a mandamus petition depends on the  
character of the Government's duty to the petitioner. The test for  
jurisdiction is whether mandamus would be an appropriate means of  
relief. If the duty is ministerial, clearly defined and peremptory,  
mandamus is appropriate.

On the 4th day of December of 2018, the clerk of Supreme Court  
part 71 arraigned the petitioner on a two count indictment in violation  
of penal law 145.20. Criminal Tampering in the first degree.

On the face of the indictment allegations state as follows:

The defendant, in the County of New York, on or about September 25,  
2017, with intent to cause a substantial interruption and impairment  
of a service rendered to the public, and having no right to do so  
nor any reasonable ground to believe that he had a right, damaged  
and tampered with property, to wit, a metrocard vending machine,  
of a gas, electric, sewer, steam and waterworks corporation,  
telephone and telegraph corporation, common carrier (same thing  
as metrocard machine) nuclear powered electric generating facility,  
and public utility operated by a municipality and district

and thereby caused substantial interruption and impairment of service.

Both counts of the indictment are not criminal acts within the meaning of CPL.200.50 sub 7 A (question of Law). And if the respondent states in opposition that the indictment counts do allege criminal acts, it is not the same criminal acts the prosecutor presented to the Grand Jury within the meaning of CPL.200.70 sub 2 (question of law). Also see CPL.10.20 sub 2.

On the 4th day of December of 2017 in Supreme Court part 71 the prosecuting attorney stated that he saw in the video the petitioner rip a piece of paper off of the wall and insert that paper into two metrocard vending machines causing the machines to not fully operate. (criminal act presented to the Grand Jury).

The Court of Appeals of New York stated in *In the Matter of Luis Durr et al v Paragon Trading Corporation*, 270 N.Y.464;

A peremptory mandamus order may be granted in the first instance where the applicant's right to the mandamus order depends only upon questions of law. See case annexed.

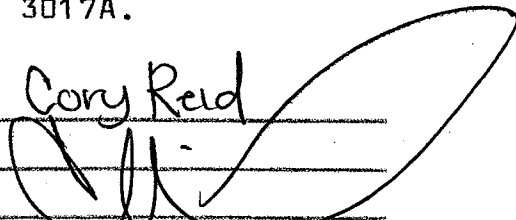
The petitioner filed a pre-trial motion with the trial court but the motion went unanswered. The motion was Pursuant to CPL.210.20 sub 1A. Amongst other subsections.

The fact that the plaintiff may have had another remedy by an action on his contract for damages does not furnish a legal reason for denying the alternative mandamus order. In the Matter of the Application of Universal By-Products Corporation, 216 ad 311; Supreme court of New York, Appellate Division, Fourth Department.

No previous application has been made for the requested relief.

WHEREFORE, Petitioner respectfully request that judgement be entered pursuant to Article 7B of the Civil Practice Law and Rules.

This Court should issue an order ENJOINING respondent LAURA.A.WARD from proceeding with a defective indictment in part 71. This court should also issue an order DIRECTING respondent LAURA.A.WARD to dismiss indictment due to it being defective. Granting such other and further relief as the court may deem just and proper. cpl 3017A.

  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Petitioner, Pro-Se  
June-20-2018

COPY

## VERIFICATION

STATE OF NEW YORK)  
COUNTY OF KINGS ) SS.:

CORY REID, being duly sworn, deposes and says that deponent is the petitioner in the above captioned proceeding, that he has read the foregoing petition and knows the contents thereof, that the same is true to deponent's own knowledge, except as to matters therein stated upon information and belief, which matters deponent believes to be true.

  
\_\_\_\_\_  
Petitioner, Pro Se

Sworn to before me this

20<sup>th</sup> day of June 2018

  
\_\_\_\_\_  
Notary Public, State of New York





REQUEST FOR JUDICIAL INTERVENTION

REQUEST FOR JUDICIAL INTERVENTION

Index No. \_\_\_\_\_

SUPREME COURT, NEW YORK COUNTY

DATE PURCHASED

PLANTIFF: CORY REID

Ias entry date; \_\_\_\_\_

Judge asigned; \_\_\_\_\_

DEFENDANT: LAURA.A.WARD.

Rji date: \_\_\_\_\_

---

NATURE OF JUDICIAL INTERVENTION



ORDER TO SHOW CAUSE

return date for June 30 2018

NATURE OF ACTION OR PROCEEDING

Special Proceedings



Atticle 78

Is this a Special Proceeding against a

Municipality: Yes

Public Authority: Yes

Does this Proceeding seek equitable Relief: Yes

Does this Porceeding seek recovery for persoanl Injury: NO

Does this Proceeding seek recovery for property damage: NO

Estimated time case to be ready for trial 1 Month

CORY REID 275 Atlantic Avenue BK NY 11201

LUARA.A.WARD 100 Centre Street NY NY 10013

APPLICATION FOR INDEX NUMBER

[APPLICATION FOR INDEX NUMBER

Pursuant to section 8018, New York Civil Practice Law and Rules

TITLE OF ACTION: ARTICLE 78 ORDER TO SHOW CAUSE

CORY REID, 275 ATLANTIC AVENUE BKLYN NY 11201

LAURA.A.WARD 100 CENTRE STREET NY NY 10013

---

SUPREME COURT, NEW YORK COUNTY

CORY REID, Petitioner.

v

LAURA.A.WARD, Judge

---

Index Number

Copy

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK:FIRST DEPARTMENT

In the Matter of the Application of  
CORY REID, Petitioner

-against-

JUDGE LAURA.A.WARD  
Respondent

For a Judgement Pursuant to Article 78  
of the Civil Practice Law and Rules

AFFIDAVIT IN SUPPORT OF  
APPLICATION FOR FEE  
REDUCTION/WAIVER PURSUANT  
TO NYCPLR 1101(F).

I, CORY REID, being duly sworn, depose and say:

I am the petitioner in the above entitled proceeding. I am an inmate in a county Correctional Facility, Brooklyn Det. Com, 275 Atlantic Avenue, BK, NY, 11201 and I submit this affidavit in support of my application for a reduction/waiver of the filing fees pursuant to NYCPLR 1101 F (and that an attorney be assigned to represent me 11

02 A) I currently receive income from the following sources, exclusive of correctional wages)

List Property

Value

1) NONE

NONE

I have no savings, assets, property, or income other than as set forth herein.

I am unable to pay the filing fee necessary to prosecute this proceeding.

No other person who is able to pay the filing fee has a beneficial interest in the result of this proceeding.

The facts of my case are described in my claim and other papers filed with the court.

I have made no prior request for this relief in this case.

SWORN TO BEFORE ME THIS

20<sup>th</sup> DAY OF June, 2018

NOTARY PUBLIC OFFICIAL



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

CORY RIED,

Defendant.

THE GRAND JURY OF THE COUNTY OF NEW YORK, by this indictment, accuses the defendant of the crime of **CRIMINAL TAMPERING IN THE FIRST DEGREE**, in violation of Penal Law §145.20, committed as follows:

The defendant, in the County of New York, on or about September 25, 2017, with intent to cause a substantial interruption and impairment of a service rendered to the public, and having no right to do so nor any reasonable ground to believe that he had such right, damaged and tampered with property, to wit, a MetroCard vending machine, of a gas, electric, sewer, steam and water-works corporation, telephone and telegraph corporation, common carrier, nuclear powered electric generating facility, and public utility operated by a municipality and district, and thereby caused substantial interruption and impairment of service.

Barred by CPL 200.50 7A  
AND/OR CPL 200.70 sub 2

SECOND COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant of the crime of **CRIMINAL TAMPERING IN THE FIRST DEGREE**, in violation of Penal Law §145.20, committed as follows:

The defendant, in the County of New York, on or about September 25, 2017, with intent to cause a substantial interruption and impairment of a service rendered to the public, and having no right to do so nor any reasonable ground to believe that he had such right, damaged and tampered with property to wit, a second MetroCard vending machine of a gas, electric, sewer, steam and water-works corporation, telephone and telegraph corporation, common carrier, nuclear powered electric generating facility, and public utility operated by a municipality and district, and thereby caused substantial interruption and impairment of service.

CYRUS R. VANCE, JR.  
District Attorney

07/11/18

14:42

THE CITY OF NEW YORK  
DEPARTMENT OF CORRECTION

BKHD

RIED, CORY  
ID#3491709514

WITHDRAWAL OF FUNDS

POSTAGE/CERT. MAIL

DISBURSED AS CASH

	AMOUNT	REFERENCE#
	13.00	1336971868
TOTAL	13.00	-----

Spending Limit is \$125 per week

8.25

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NEW YORK, NY 10010

Certified Mail Fee \$3.45

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$2.05

Total Postage and Fees \$5.25

Sent To ADD Term 4th Dep Clerk of Court

Street and Apt. No., or PO Box No. 27 Madison Avenue

City, State, ZIP+4<sup>®</sup> NY NY 10010

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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BROOKLYN  
NY

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3508770349

07/12/2018 (800)275-8777 3:51 PM

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(NEW YORK, NY 10010)  
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(Estimated Delivery Date)  
(Saturday 07/14/2018)

Certified	1	\$3.45
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(70181130000070160159)

Return Receipt	1	\$2.75
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(9590940241488092591470)

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Change	(\$12.00)

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apply. You may also visit [www.usps.com](http://www.usps.com)  
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COMPLETE THIS SECTION ON DELIVERY

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

App Term 7st Dep.  
Clerk of Court CPLR  
27 Madison Ave 5th Fl B7  
NY NY 10010 CPLR  
202(c)



9590 9402 4148 8092 5914 70

## 2. Article Number (Transfer from service label)

7018 1130 0000 7016 0159

## A. Signature

☐ Agent☐ Address

## B. Received by (Printed Name)

A. ORTIZ

## C. Date of Delivery

7/6/18

## D. Is delivery address different from item 1?

☒ Yes

If YES, enter delivery address below:

☐ No

## 3. Service Type

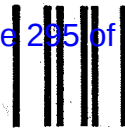
☐ Adult Signature☐ Adult Signature Restricted Delivery☐ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Mail☐ Mail Restricted Delivery☐ (0)☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Return Receipt for Merchandise☐ Signature Confirmation☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt



USPS TRACKING#



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

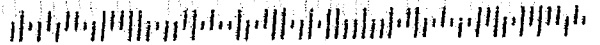
9590 9402 4148 8092 5914 70

United States  
Postal Service

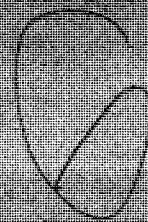
• Sender: Please print your name, address, and ZIP+4® in this box •

Cory Reed - 3491709514  
278 Atlantic Av BHM NY 11201  
housing area 5C

07/16



Cory Reid  
275 Atlantic Av  
Brooklyn NY 11207  
BADC-349709514



Ann Clerk of Court  
App Term first De  
27 Madison Ave  
NY NY 10010



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Insurance Required	\$ _____
Insurance Restricted Delivery	\$ _____

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NY NY 10010

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Ann Clerk of Court  
App Term First Depart  
27 Madison Ave  
NY NY 10010

6

Atlantic Ave  
NY 11241  
349709514

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housing area SC

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Signature (electronic)	\$
Return Receipt by First-Class Mail <sup>®</sup>	\$
Signature Required	\$
Return Receipt by First-Class Mail <sup>®</sup>	\$

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Address and Fees

DD Term 1st Dep Clerk of Court  
 27 Madison Avenue  
 NY NY 10010

100, April 2013 First-Class Mail<sup>®</sup> 10010 See Reverse for Instructions

C

Attn: Clerk of Court  
 App Term First Depart.  
 27 Madison Ave  
 NY NY 10010

Atlantic Ave  
 NY NY 11241  
 349709514